

THE
TRIAL at LARGE
OF
JAMES HILL, *otherwise* JAMES
HIND, *otherwise* JAMES AITKEN,

COMMONLY KNOWN BY THE NAME OF
JOHN the PAINTER,

WHO WAS TRIED AND CONVICTED
At the ASSIZES held at WINCHESTER,
On THURSDAY March 6, 1777,

And *Executed and Hung in Chains*, at PORTSMOUTH,
On MONDAY March 10,

FOR SETTING FIRE TO THE
Rope-house in his Majesty's Dock-yard
At *Portsmouth*, on *Saturday* the 7th of *December*, 1776.

TOGETHER WITH THE
CONFESSION he made before Magistrates,
And to Commissioner GAMBIER;

AND AN
ACCOUNT of his BEHAVIOUR at the
Time of his EXECUTION.

ALSO, THE
PARTICULARS of his LIFE,
Previous to his setting Fire to the Dock-Yard,
Which he gave to Mr. WHITE, Keeper of the
Goal at WINCHESTER.

THE SECOND EDITION.

Ornamented with a neatly engraved Copper-plate Cut of
JOHN the PAINTER, and the Figure of the MACHINE
by which he set Fire to the Rope-House.

PRINTED in the YEAR 1777; and sold by all
Bookfellers and News Carriers.

[Price *Eight-Pence*.]

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TRIAL of JAMES HILL, *otherwise*
JAMES HIND, *otherwise* JOHN
HIND, *otherwise* JAMES ACKSAN,
commonly known by the Name of
JOHN the PAINTER.

The prisoner was tried by Mr. Baron Hotham.

With force and arms at Portsea, in the said county, 20 ton weight of hemp, value 100l.--- 10 cable ropes of 100.fathom length, and three inches in circumference, value 80l. and six ton weight of cor-

A

dage,

dage, value 200l.--Them being the naval stores of our Lord the King, and them being placed in a certain building called the Rope-House, feloniously, wilfully, &c. did set on fire, and caused to be set on fire, and burnt, against the statute and against the peace.

The indictment farther charges, that you, James Hill, otherwise James Hind, otherwise John Hind, otherwise James Acklan, on the said 7th day of December, with force and arms at Portsea, in the said county, a certain building there called a Rope-house, did set on fire, and cause and procure to be set on fire, against the form of the statute, &c.

The indictment farther charges, that you, the said James Hill, otherwise James Hind, otherwise John Hind, otherwise James Acklan, on the said 7th day of December, with force and arms at Portsea, in the said county, a certain building, in which was a great quantity of naval stores; to wit, 20 ton weight of hemp, 10 cable ropes, and six ton weight of cordage, did fire, and cause, and procure to be set on fire against the form of the statute, and against the peace of our Lord the King, his Crown and Dignity.-----How say you, are you Guilty or not Guilty?

Prisoner Not Guilty.

Clerk of Arraigns. How will you be tried?

Prisoner. According to the laws of the country.

Clerk of Arraigns. God send you a good deliverance.

The following Jurors were then called, and the prisoner not challenging any of them, before they were sworn, as the Judge told him he might,

There were accordingly sworn,

Henry Lucas,

Richard Long,

Robert Monday,

John Cole,

Rechab Thorn,

Samuel Maunder,

George Newsham,

John Kent,

William

*William Cole,
Richard Vokes,*

*John Perry,
Charles Corbet.*

Mr. *Fielding*, of Council for the Crown, opened the Indictment to the following purport :

Gentlemen, This is an Indictment against James Hill, otherwise James Hind, otherwise John Hind, otherwise James Ackfan, and it is for a crime which is so atrocious, and of so horrid a nature, as to render it impossible to fix any epithet upon it sufficiently descriptive of its malignity.

This is the first instance, Gentlemen, of its existence, and I hope in God it will be the last.

The Indictment you have heard already stands upon three Counts.

The prisoner at the bar is first charged with setting fire to the hemp, and so forth, stated in the Indictment. The second Count is for firing a certain building called a Rope-house. And the third Count is for firing his Majesty's naval stores.

The matter will be more fully opened to you by the learned and experienced Gentleman, who leads this business, and I doubt not your verdict will be a very satisfactory one.

Mr. *Serjeant Davy*. Gentlemen of the Jury, I am of Council in this case for the King, in the prosecution of the prisoner at the bar, who is indicted by the name of James Hill, otherwise James Hind, otherwise John Hind, otherwise James Ackfan, for setting fire to a Rope-house at Portsmouth Dock, belonging to the Crown, and the place where the cordage is made to supply the King's Navy; this was made a capital felony by an Act of Parliament in the twelfth year of his present Majesty, till when it had not entered into the imagination of man that such a crime could be committed at all.

It will be necessary for me to expaciate upon the nature of the offence.--- That has nothing to do

with the prisoner at the bar any more than as he was the agent in the commission of it.---And it will be necessary for me therefore to mention to you the particulars of the evidence we have to lay before you, by which to affix the crime to the prisoner at the bar, and submit to you, upon the consideration of those facts, whether he is or not Guilty of the charge in the indictment.

Gentlemen, Upon the 7th of December, in the afternoon, I think about four o'clock, a dreadful fire broke out at Portsmouth Dock, in the Rope house, which I think was entirely consumed. It is an edifice of a very great extent indeed, and of a very great magnitude, (perhaps you may have seen it) and it is of consequence of great value. And it is lucky for the public, that at that time it did not happen to contain so much cordage as at sometimes it does. That was not the only thing intended to be consumed that day, but that alone was consumed.---It broke out, and it is proper to mention to you, at the easternmost part of this building. As soon as this misfortune had happened, all imaginable enquiry was made, in order to find out the cause of it, but all to no purpose; no fire had been there; no candle had been there; none is ever used, particularly that part, the eastward part of the building, where the fire began ---Nobody could tell by what means it happened, and all enquiry was fruitless; and it would have passed as an accident, the causes of it unknown to this day, had it not been for a very extraordinary discovery, which was made upon the 15th of Jan. which was five or six weeks afterwards, which led to an enquiry, which produced the most ample and clear discovery that ever was laid before a Court of Justice: Upon the 15th of January, there was found in the Hemp-house, which is another very large building, and which contains hemp of an infinite value, belong-

belonging to the Crown; in tumbling over the hemp there for some purpose, something was seen by one of three men that were there at the time, and will appear before you, that shone a little, and appeared bright. Upon taking it up, it was a sort of cannister, which one, at first sight, would imagine to be a cannister, a little machine that nobody could tell what to make of. Upon looking a little farther, just upon the same spot, there was found a little kind of box, containing combustibles of various kinds: there was hemp, tar, and oil of turpentine. The moment this was seen, it struck those that saw it; and there could be no doubt in any mind upon that subject, that whoever had placed it there, had an intention to set that place on fire. It was alarming; the men were struck with astonishment and wonder, looking at each other with the instrument in their hands; and, upon recollection, determined to do the only thing fit to be done; to go to the Commissioner of the Dock-yard, and inform him of it, that proper evidence of this matter might be laid before Government, and fit enquiry made into it; and then it was for the first time clear and apparent to every one, that that fire, which happened upon the 7th of December, in the Rope-house, had not been by accident, but was set on fire by design.

Now, let us recollect every particular of that unhappy day. While it was thought to be accident, no body gave themselves the trouble to recollect or enquire whom they had seen, and who was there, and who was not there; it passed for accident, and no body thought about it; but from the instant that they resolved this must have been the work of some devil,—that this was some human contrivance--- that this was an act done on purpose; then it was fit to turn in their minds, to avert to that subject, and all the circumstances of the matter---Among

A.

others

others it occurred, (for it was the talk of all the Dock within five minutes, I suppose, and a thousand things were said then) that a man had been seen the day of the fire lurking very much about the Hemp-house and Rope-house. Then it occurred, that a man had been lurking in at the Rope-house, and with some difficulty had got out again; and then it occurred, that the person on whom the suspicion then fell, from several vague and indefinite circumstances, was one, whose surname was not known, but who was called John, and who was a Painter by business, who had worked with a Mr. Golding, a painter, at Titchfield, and under his employ at a gentleman's house in that neighbourhood; that was the origin of the name of John the Painter; they knew no other name of him than John, and they knew him to be a Painter, therefore they described him by the name of John the Painter. John the Painter then being the man upon whom suspicions strongly fell, none of which concluded positively against him, but all of which were strong suspicions, and those suspicions laying together in form of informations; informations were made of those circumstances; each were laid before a Magistrate, in order to have this John the Painter, if he could be found, apprehended, and farther enquiry to be made. Besides this, there was an advertisement published, with a reward of 50l. for apprehending John the Painter, describing him as well as he could be described; and he was very sufficiently described by the people that had seen him, by his dress, and so forth.

A very worthy honourable gentleman I have in my eye, and who is a very great friend to the public, and in the true strict sense of the word a Patriot, having seen this advertisement, very actively stirred himself in the business, and was very much the
cause

cause of apprehending this John the Painter ; who was accordingly, I believe, taken up in this county, at Odjham ; and there were then found upon him (you will be pleased to mark this) a pistol charged, a pistol tinder-box for striking fire, some matches, and a bottle or phial of oil of turpentine. Those things were found upon him ; he was examined ; he had too much sense, and was too much guarded, to make any considerable discoveries upon the examination that he underwent before a Magistrate ; and had it not been for a circumstance which I am now going to mention, it would have been an extreme difficult matter to affix the crime upon this person at the bar, however satisfied people might have been in their own private judgment of his guilt. It happened that there was one of his own business, (a painter) who had been a painter in America, the same as the prisoner ; for this gentleman has worked in America ; he is an American, not by birth, I believe ; for by birth, I think, he is a Scotchman ; but he has settled in America, from whence he had lately come, and thither he meant to return ; I say, gentlemen, one of that business, who likewise had worked as a painter in America, whom some people imagined might know this man, the prisoner at the bar, was sent for to Sir John Fielding's, in Bow-street, upon the seventh of February, in order to be shewn the prisoner, to inform the Magistrate whether he did or not know him. That man being asked the question, answered, that he did not know him, and, to the best of his recollection, had never seen him in all his life time. There was an end, therefore, of that business. As he had worked at the same place, (he had worked at Philadelphia too) it was likely for him to know, but it happened that he did not know him at all. That person being dismissed

from the room where he was examined, (I can hardly call it an examination) this little matter had passed; but retiring to another room where the prisoner was, the prisoner having been informed that this person, whose name was Baldwin, was an American Painter, naturally enough beckoned to him to come to him, and desired him to sit down by him; and sitting down by him, a conversation began between those people, touching their trade as painters, and touching America and Philadelphia, and that part of America in which they had lived, the distance of places, and a few names of gentlemen; it being a place and occasion that would not admit of a long conversation; and therefore the prisoner at the bar desired Baldwin to do him the favour of a visit at New-Prison, Clerkenwell, where he was going; desired he would be so good as to call upon him; he would be glad to see him. Now, let me here tell you, before I forget, that all this was a mere miracle, the offspring of accident; for this Baldwin was not set on; he was not desired to get any confession from him. But this had passed three or four days before any body concerned had ever heard of it. It is fit the world should perfectly understand that. In consequence of this short conversation that had passed in Bow-street, before Sir John Fielding, Baldwin went as desired by the prisoner to visit him at Clerkenwell. When he went there, a conversation then passed between them of no very great importance; it was only general, concerning persons and places; some of which both of them knew, some of which only one of them knew. The next day there was another visit; for the prisoner looked upon it as a very lucky circumstance; and it was the providence of God this man had placed this (fortunate I may call it for the public) confidence in this Baldwin, by which he afterwards made the ample discoveries,

which

which you will hear bye and bye. He told him, after various visits, (for Baldwin visited him at his request once almost every day for near three weeks from that time; and) it was not till many days, and till a full discovery was made, Baldwin communicated the matter to any body; and when he did, he communicated it to an honourable person, not at all connected with Government :) He told him, among other things, (for you will hear some particulars which I shall descend to bye and bye for a very striking reason, and you will go with me when I do) that he had lately come from France; that he had been employed there by a gentleman, whom he was surprized that Baldwin did not know, as he was a man of so much note, and whose name had been so frequently in the news-paper, a Mr. Silas Dean.--- That Mr. Silas Dean was a very honourable gentleman employed by the Congress, in America, as well as another very hon. gentleman, a Dr. Franklin. That Mr. Silas Dean had employed him in a noble business, in which he had been engaged; that his employment was to set fire to the Dock-yards, and destroy the Navy of Great Britain; that he had undertaken that work, and that he was to have a pecuniary reward for it; that Mr. Silas Dean was his employer, and this was a noble act; this was a patriotic measure; this was what all Patriots would exceedingly much applaud; this was the right way to oppose Government; this was the way to render Great Britain flourishing, by making it subject to, and to bend its neck to the yoke of America, and that was the only way we were to prosper. This great work was to be effected by this hand, under the employment of Mr. Silas Dean; and he did not at all doubt but that Dr. Franklin was engaged in the same good work. He told him he had taken Canterbury in his way, and Dover. I am now going to descend

to some particulars I shall have occasion to repeat by and by, in order to shew you it is impossible, (and I will not change the word) it is impossible but that Baldwin's account must be certainly true: He told him that at Canterbury (for he had landed, at his return to England, at Dover, and came through Canterbury) he had engaged a man to make a tin machine, (which you will see by and by) somewhat resembling a tea cannister, the purpose of which was to act the part (if I may say) of a dark lanthorn; that is, that a candle might be inclosed in it, and yet the candle be perfectly hid, so that no eye might see the light; that he had sent to a man, or gone to a man, to employ him to make this tin cannister for him at Canterbury; that the man was an awkward fellow, and set about it in a way that convinced him he was dull, and did not comprehend his meaning; but that his servant, a young man, a lad, had a much better genius than his master; he very well understood him; he set about the work, and he made a cannister for him. He told him, that he had ordered at another shop two more, but he had not time to stay for them, so he left them behind him; but this cannister he took with him. He told him, that when he came to Portsmouth, he took a lodging at a Mrs. Boxall's. He told him he had got made for him a wooden box; the use of the cannister (I told you just now) was to contain a candle, hiding it; the use of the box was to contain combustibles, to be set a-light by the match, to set the candle on fire, and the combustibles and ingredients of which you will have an account of by and by. He told him he had a lodging at Portsmouth, at a Mrs. Boxall's, where he had made some preparations for to work in setting the place on fire. I should have told you with regard to Canterbury, he told him likewise of a quarrel he had had with a dra-
goon

goon there, which had lead him to a sight of this cannister, under the flap of his coat.

At Mrs. Boxall's, his new lodgings, he had made a preparation in order to set the storehouse on fire, and he told him then the manner of his making those compositions; he said it was by grinding charcoal very fine between two stones, such as painters use in grinding their paint, upon a colour stone the painters use, not with a pestle and mortar, but by grinding charcoal upon a colour - stone with water, so as to make it an exceeding fine powder; that it was then to be mixed with gunpowder; then he mentioned how it was to be diluted with water, and what preparations with charcoal, and so forth; he told him, that in the afternoon, the day before the fire, that is, upon the 6th, for the fire was upon the 7th; upon the afternoon of the 6th, being then in the Rope-house, he got a parcel of hemp, and strewed the hemp about where he intended the match to be put; that he laid a bottle of turpentine upon its side with hemp placed in the neck of the bottle instead of a cork; that he laid the match upon a parcel of paper in which was some gunpowder, and over the gunpowder some hemp strewed very light; and he said as soon as the match reached the powder, it would fire the hemp; then he mentions also throwing a quart of turpentine about the hemp; all these particulars he told this man, and the manner of setting it on fire; and then he mentioned to him his lodging at Mrs Boxall's; that the woman was impertinent, and turned him out of his lodging: He told him the circumstance of his being shut into the Rope-house; that he was so long about this work, the time of shutting it up having arrived, when he attempted to get out of the door through which he got in; he could not; upon this he expressed his apprehensions, that he was very uneasy, and afraid of being shut up;

up ; that after having walked up and down, and taking off his shoes to avoid being heard, and endeavouring to get out quietly, he knocked, and cried out halloo, upon that a person came to the door, and asked who is there ? The person directed him to go straight forwards, and very possibly he would find a door open ; if not, he did not know what to do for him ; however, he did get out. He mentioned a person calling out to him under an apprehension of his being shut in. Gentlemen, he likewise told his acquaintance, Mr. Baldwin, that he had been before in the Hemp-house ;—it was the Rope-house he set on fire—but that he had been in the Hemp-house the same day ; that there he had laid a tin cannister which he had got made—You will be pleased to observe he had not effected the fire of the Hemp-house by the tin cannister, but he had laid a tin cannister there—---that was not set on fire ; by the Providence of God, the fire did not happen to take there ; the matches went out very luckily, as you will see bye and bye. In the Hemp-house he laid the tin cannister that had been made for him at Canterbury—That there he had likewise laid a square box, in which there was room to put a candle, and that he had put one into it, and there was turpentine, hemp, and other combustibles—The doing all this, and placing this preparation in the Hemp-house, had taken up a great deal of time ; that he was so much heated with this work, though in the month of December, that he had pulled off his coat, which he could not find for some time ; when he found his coat, there was a good deal of hemp sticking about it, and he rubbed and picked it off as well as he could ; the next day, he having made this preparation, he went into the Rope-house in order to set that on fire. He mentioned another circumstance likewise, that he bought some matches of a woman at Portsmouth, which

which he supposed were damp, as he could not make them catch fire, in order to light the candle ; so you see, gentlemen, the saving the Hemp-house from destruction that day, was because the matches were not well made ; if they were well made, they were so shortly made that they were not dry enough ; they would not catch fire, so as to light the candle——If the candle had been light, the Hemp-house must have infallibly been burnt. Then he says, not having been able to set that on fire, he returned to the Rope-house, having got some matches of a better sort, and there he placed himself in such a way, no body could see the light ; when he struck a light, he lighted the match ; and every thing having been prepared, he went away, leaving that to be burnt, very much vexed that he was not able to set the Hemp-house on fire ; so leaving the matches alight in the rope-house, he went away ; and that he set out as fast as he could from Portsmouth, and just after his leaving the town, he was overtaken by a woman in a cart, or overtook her ; that he got the woman to give him leave to get into her cart for the sake of expediting his journey ; that he gave her sixpence to make haste with him, and went a couple of miles with her ; then he went to London, and made as much haste as he could there.—Another circumstance is, he had taken two lodgings—besides this that he had at Mrs. Boxall's, he took another upon Portsmouth Common, one besides Mrs. Boxall's. — The pious man mentions something was to be done for these lodgings. The poor woman of whom he had taken these lodgings had an escape too, for he meant to set those two lodgings on fire, in order to bring the water-engines there, that they might not be in the way when the Dock-yard was on fire ; but by good luck it did not take effect,

effect. As for burning a house, he thought that was nothing at all—He told him likewise a circumstance of his living at the other lodgings, not Mrs. Boxall's, and there had left his bundle; and he said he had come away from Portsmouth in so great a hurry, that he had not time to go there for his bundle, for that was left at this woman's upon Portsmouth-Common, and that bundle contained three Books, and he mentioned the names of the Books; an English translation of Justin, another of Ovid's Metamorphoses, another a Treatise of the Art of War and making Fire-Works; among other things he mentioned a pair of Breeches, and two or three other particulars, and a pair of buckles, and a French passport; all those things were in his bundle he said, which he had left with that woman, at his lodging upon Portsmouth-common; all which particulars he told to Baldwin.—As I mentioned to you just now, it will come out in the course of this cause, that it was impossible for Baldwin to have invented this story; but that it must be true that the prisoner had told Baldwin. Mr. Baldwin having made these discoveries in the course of these conversations to the effect I have mentioned, then it was enquiry was made into these particulars, for that led into all the discoveries which we shall now have an account of. It will be proved to you in evidence.—Having told the story of what had passed at Canterbury and other places, messengers were sent to all those several places, to find out the several persons referred to, and to see if those accounts were true or not: and it came out that they were, for they found out the persons that made these tin cannisters;—not only the persons that had made the two tin cannisters by his directions, which he had left upon their hands, not having time to stay for them, —but we have found out the very person who made the tin cannister that was left

left in the Hemp-house, in order to set it on fire. There is the very boy who made them ; he confirms the exact account as related by Mr. Baldwin ;—That his master having been first employed to do his work, he could not rightly understand the instructions he had received, and referred him to the boy, and the boy understood him, and made them,—and that the boy will swear to the very cannister now to be produced at the bar, for that is the very cannister he made for the prisoner, and the very cannister that was found in the hemp-house. The story of his quarrelling with a dragoon at Canterbury, from that dragoon who quarrelled with him. The scene upon that quarrel ; the stripping off, or taking up the lappet of his coat, and seeing the cannister under it at that time. We shall prove the making the wooden box, and the identity of the person by whose order it was made. Mrs. Boxall will be produced to you ; she will tell you, that this very prisoner at the bar came to her house to take a lodging the day before the fire happened ; that she observed a strong smell—a sulphurous smell in the lodging—went out to look, but did not find it on the outside of the house, and could not tell from whence it came ; the next morning there was the like smell. Then they traced it to his lodgings, to the very room, and they found him at work, preparing combustibles, and there was a stench of gunpowder, and sulphur, and whatever it was. I mentioned to you, just now, how he had prepared that paper, and I shall produce you the person, upon whose colour-stone the prisoner at the bar ground the very charcoal ; and we will produce to you the man that saw the prisoner at the bar grinding of charcoal upon the colour-stone. I don't mean they will swear to the very charcoal ; you cannot suppose I do.—Gentlemen, I will mention to you another circumstance. The door of the rope-house being shut, and he

he shut in, we will prove, from the recollection of the people in the rope-yard, that there was a man exactly in the circumstance he described himself to Baldwin, making a noise, and trying to get out; and a man giving him the best directions he could, it being after the hour of call for coming away, and his speaking to the watchman, who said, if he was locked in, he must stay all night, for that is the rule of the yard, and it cannot be opened now. But he perfectly remembers his being there, in the way he himself described to Baldwin. We will likewise produce, and it is marvellous that we are able, and owing to the great vigilance and care of a noble person, at the head of this enquiry, and who has spared no pains in order to investigate the affair as far as possible; we will produce to you the very woman of whom he bought the matches; that woman saw him so lately as yesterday in the prison, and she will tell you it was the man at the bar; that she noticed him; she thought he was not of such appearance as persons who generally came to buy a halfpenny-worth of matches; that he came to her shop to buy a bundle of matches, a halfpennyworth of matches, and asked her if it would light quick; that he rejected one bundle, and changed it for another. That he took out a handful of silver, having but one halfpenny with it; and she seeing a person so dressed, it called for a particular observation.--Here is one more circumstance that puts it beyond a possibility of suspicion; for neither he nor the bundle that I told you of could be found; for this Mrs. Boxall, where he had actually lodged, nor any body there, could hear of any other lodging he had taken. She remembered a bundle he had with him the first day, but what was become of the bundle, where he had left it, or whether he had taken it with him, God Almighty knows, nobody can give an account. At last, after a great search and enquiry, the

the bundle was found in the possession of another woman, of whom he had a lodging; she did not know where he was, and had taken care of his bundle, expecting the return of her lodger every day; upon opening the bundle the things he had described, an English Justin, an Ovid's Metamorphoses, a Treatise of the Art of War and Fire-works; and there was this passport from the French Government; all these things were found just as he had described them to Mr. Baldwin. And you will have likewise an account, that in that bundle there are a pair of buckles belonging to the prisoner at the bar, when a witness will be produced to you to prove knowing the pair of buckles; as far as he can remember a pair of buckles, they were in the shoes of the prisoner. There is one more circumstance; we will have the woman who took him up in her cart and carried him two miles; she will swear to the very man, and to the place where they were just upon the breaking out of the blaze of the fire at the Rope-house. Now, gentlemen, when you've all these circumstances proved to you in evidence, I'm well warranted in saying it was impossible for Mr. Baldwin to have invented this story,—for these discoveries came in consequence of Mr. Baldwin's relation; not that Mr. Baldwin's relation was after the discovery, for it was from the relation of Baldwin, which he had from the mouth of the prisoner, that led to a discovery, of all those discoveries, of all those particulars that I have mentioned to you.—A tenth part of those circumstances which I have opened, would serve, I would think, to decide the fate of any man standing in the state of the prisoner's situation. But it is the wish of the public—it is the wish of government, that all the world should know the infamy of

the transaction, and that they should know to whom we are indebted for the sorrows we have felt, and how much we owe to the providence of God, that America has not been able to destroy this country, and to make it bow its neck not only to the yoke of America, but to the most petty sovereign in Europe; for let the English navy be destroyed, (here was the hand ready to effect it) and there is an end of all that is dear and valuable to us. The importance of the subject, and the magnitude and extraordinary guilt, calls for a more particular investigation than any other subject, of what kind soever, could demand; and therefore I hope I need make no apology for having gone so particularly into all those minute, if any one of them can be called minute particulars of this story. Gentlemen, we shall prove all those circumstances very fully, and then, surely, there can be no doubt what should be done with that man. I shall be glad to hear what he has to say for himself; I should be glad, moreover, if he is able, that he would be willing to lay this guilt at any body's else door. I wish Mr. Silas Dean was here for him to be called for upon this account. The time may come when he and Dr. Franklin may both give an account.

Prisoner. The honestest man in the world.

James Russel sworn, examined by Mr. Mansfield.

Q. You are employed some how or other in Portsmouth Dock-yard?—A. Yes, Sir.

Q. What is your business there?—A. I am a clerk to the clerk of the Rope-yard.

Q. Do you remember the day when the rope-house was set on fire?—A. Upon the 7th of December, Sir, at half an hour after four in the afternoon of a Saturday.

Q. That was the time the fire was first perceived?—A. That was the time I first perceived it.

Q. Was

Q. Was the rope-house consumed by that fire?—
A. entirely, Sir.

Q. What was in the rope-house that was burnt there?—A. There were some hemp toppings which was in the middle loft of the rope-house.

Q. Was there any thing else---any cordage or ropes?—A. There was some cordage upon the ground-floor.

Q. Is it a place where the cordage and ropes are usually kept?—A. Yes.

Q. There was some there at that time?—A. There was some there at that time.

Q. And that which was there was of course burnt?—A. It was burnt, Sir.

Q. Now did you at any time, or any body in your presence, find any thing in particular in the hemp-house at Portsmouth?—A. I did, Sir.

Q. Upon what day was that?—A. Upon the 15th day of January.

Q. What was it?—A. I found a tin case.

Q. Produce it.

[A tin case was then produced, which was hollow, and about ten or eleven inches long, with a wooden box inclosed, that contained the combustibles, and a hole in the wooden box to hold a candle—a quantity of matches, hemp, tar, and oil of turpentine in it.]

Q. Have you marked it?—A. There is a mark within side by which I think I should know it more certainly, Sir.

The witness, upon inspection, said

That appears to be the tin case I took up in the hemp-house.

Q. What is there within side?—A. There is a piece of wood which seems to be hollowed out, and a thin bit of wood nailed upon the top; and there are matches, I apprehend, and tar, and oil, or something

of that nature—I don't know the composition—I apprehend they are now there in the case—they were there yesterday.

The witness looked at the case when the things were taken out, and said,

I have no doubt this is the tin cannister I took up in the hemp-house; there was this box in it, and there were matches in it, and oil, as it appeared to me.

Q. There were matches there and oil, as appears to you, and other combustibles?—A. Yes, Sir.

Q. Were they separated when you found them?—A. They were separate, Sir.

Q. What did you find else when you found the two cases?—A. A bottle which had spirits of turpentine by the smell of it, or something of that kind.

Q. What else?—A. Some matches, such matches as were generally sold at a chandler's shop, or fir matches.

The counsel shewed the witness some matches.

Q. Such matches as these?—A. Yes, common house matches.

Q. Those you found lying in the hemp-house?—A. Lying in the hemp-house, just by this tin case and that wooden part of it.

Q. Whereabout in the hemp-house?—A. In the center of a mow of hemp.

Q. Covered with hemp?—A. There were some bundles of hemp, refused hemp—certain quantities of refused hemp packed up to be delivered to the merchant; this was put up behind those bundles of hemp in the very center of the mow—they were behind several bundles.

Q. Were they easy to discover, or were they concealed?—A. They had, I apprehend, a concealment, Sir.

Q. Now

Q. Now could they be discovered without removing the bundles of hemp behind which they were put?—A. Not conveniently, Sir; there was a passage that went up behind these bundles of refused hemp that a person probably might have discovered, had he had any apprehensions of such a thing, behind which a man might certainly have gone.

Q. Was there any loose hemp near it?—A. Yes, what we call dunnage—the matches were found among that dunnage.

Q. What is that dunnage?—A. An inferior sort of hemp which generally lies at the bottom of the hemp to preserve it from any moisture that may arise from the foundation.

Q. Was some of that dunnage over those things, or laid upon it?—A. Not laid upon it—there was some brown paper—it appeared as if it had been burnt; they found when all those parts were put together, it had the appearance of a lanthorn, as we apprehended—a dark lanthorn as we suppose.

Q. What made the appearance of a dark lanthorn?—A. These here things, and some appearance of brown paper, and it had appearance of tar.—We put these things when they were all united upon the paper, and that tar upon the paper seemed as if it had been put round this tin case, and as it were thrown over the bundles, so that by striking against the mow of hemp, the parts seem to have been separated.

Q. This you found on the 15th of January?—A. Yes.

Q. I suppose soon after it was found, it was made public, and communicated to some of the officers of the Dock!—A. Yes, it was.

Q. Were these things found in a place where, if the fire had arisen in consequence of them, the Hemp-house, and the hemp in the house, must probably

probably have been consumed?—*A.* Undoubtedly, Sir.

Q. That Hemp-house has its name from being the place where the hemp belonging to the Dock is kept?—*A.* Yes. The ground floor in which this tin case was found, Sir, was then full of hemp, and this was in the center of the hemp; it could not be thrown into any window, because it was in the center of the building.

Q. You judge it was thrown over a heap of hemp?—*A.* Yes. The best constructions I could put upon it when I saw the parts united, I thought it might be thrown over the bundles—they were so high when piled up, (those bundles were as high as my head) it was probable it might be thrown over the bundles, and had then separated.

Court. Prisoner, after every witness is called, you know your own defence best, and therefore you are at liberty to ask any witness any question you think fit after their examination is gone through by the crown.

Mr. Mansfield. You may ask Mr. Ruffel any question you please.

Prisoner. I have none to ask.

William Tench sworn, examined by Mr. Mansfield.

Q. William Tench, did you ever see the prisoner?

—*A.* Yes, Sir.

Q. Where?—*A.* At my master's house.

Q. Where is that?—*A.* Just without Westgate, Canterbury.

Q. Did you make any tin thing for him?—*A.* Yes, I did, Sir.

Q. Will you look at that—(shewing him the tin box that was found in the hemp-house)—tell us whether is that the thing that you made for him?—

A. Yes, this is the machine.

Q. That is the machine you made for him?—*A.* Yes, it is.

Q. When

Q. When was it you made it for him?—A. A month or six weeks before Christmas.

Q. Now, when was it that you first heard any enquiry made to you about making this cannister?—

A. The Monday before last.

Mr. Serjeant Davy to the prisoner. Will you ask him any question?

Prisoner. Q. to the witness--- You say that you made this cannister one month or six weeks ago?

W. Tench. A month or six weeks before Christmas.

Prisoner. Pray how do you know the cannister?

W. Tench. I know the seam, the solder of the seam.

Prisoner. I saw one cannister similar to that a few days ago, with a seam the same as that. How can you know one seam from another?

W. Tench. It was very bad folder.

Prisoner. Speak out, I don't hear that answer?

W. Tench. This is bad folder.

Prisoner. Can you swear to the folder?

W. Tench. Yes.

Prisoner. How do you know me,—by my face, or dress, or what?

W. Tench. I know you are the very man that came to me about it.

Prisoner. How do you know it?

W. Tench. I know you by your person, Sir, by your hair, and your clothes that you have on now.

Prisoner. What clothes; pray what particular garment?

W. Tench. The same coat on that you have got now.

Prisoner. What this coat? (taking hold of his furttout coat)

W. Tench. No, not the great coat.

Prisoner. What this? (taking hold of his under coat).

W. Tench.

W. Tench. Yes, or nigh the colour upon it.

Mr. Serjeant Davy. Will you ask any more questions?

Prisoner. No.—I have now one other question to ask;—what particular day was it in which you made this tin cannister?

W. Tench. I really cannot tell what particular day it was.

Prisoner. Was it so much as six weeks before Christmas?

W. Tench. It is as nigh as I can tell about six weeks before Christmas.

Prisoner. Was it more or less do you think?

W. Tench. I really cannot tell.

Prisoner. I think, gentlemen, he ought to recollect, whether it is more or less than six weeks before Christmas?

W. Tench. I really cannot tell.

Court. He did not speak positively of it before he said a month or six weeks before Christmas.

Prisoner. I have no other questions.

Elizabeth Boxall sworn, examined by Mr. Messing.

Q. Have you ever seen the prisoner at the bar before?—*A.* That is the man that lived in my house.

Q. Did you see him before, Mrs. Boxall?—*A.* I have.

Q. When did you see him?—*A.* I saw him the day before the Yard was on fire.

Q. Where did you see him?—*A.* At my house.

Q. Where is your house, Mrs. Boxall?—*A.* My house is at No. 10, Berwick-street.

Q. Where is that?—*A.* At Portsmouth.

Q. What did he come to your house for, Mrs. Boxall?—*A.* For lodging.

Q. Did he lodge at your house?—*A.* One night.

Q. What

Q. What night was that? — *A.* The night before the fire happened.

Q. Did you observe any thing particular relating to him in the room he lodged in? — *A.* A very ugly smell; a very sulphurous smell on the Friday as well as the Saturday.

Q. In the evening as well as morning? — *A.* In the morning of the Friday.

Q. When he first came to your house? — *A.* Yes.

Q. And on the morning of the Saturday too? — *A.* On the morning of the Saturday the house was in a great smell and smoke.

Q. Did you examine what it was? — *A.* I went up stairs; and when I went up stairs I pushed open the door; I could scarce see my hand before me for the sulphury smoke.

Court. Did you say you could not open the door?

— *A.* I pushed open the door.

Council. Did you take notice of any thing particular in the room, besides the smoke? — *A.* I asked him what he was about, whether he was going to set my house on fire; I was very much frightened.

Q. Did he make any answer to that? — *A.* He asked me what I was afraid of. I told him I was afraid he was going to set my house on fire. I told him fire was a thing I very much dreaded: He asked me if I ever suffered much by fire; I said, God forbid I ever should; I was very much afraid of fire.

Q. Did you observe what occasioned the smoke in the room? — *A.* As I was making my bed, I turned myself round, and found he had been burning something on the hob, and upon the hearth likewise.

Q. What is the hob? — *A.* Upon the side of the fire-place.

Q. Did you observe any thing else in the room?

— *A.* I took a candle from the chair, he had a lighted candle which he lighted on Saturday morning, a

little bit of candle which he carried up stairs with him; but the candle I took from him was not the same candle he carried up stairs with him; it was about half an eight candle.

Q. Did you observe any thing else besides the candles?—A. He was doing something in the chair with little papers, the breadth of my hand, and was doing something in the chair, I cannot tell what.

Q. Did you go into the room at any other time?—A. I carried down a candle, and went up stairs as fast as possible for me to go—I had opened the window before, but he came and shut it, and I told him he should not shut my window, I would not have my window shut by him nor no other man; if I chose to have it open, it should be open.

Q. Did you observe any other things at other times in your room?—A. Yes, upon the Friday, in his bundle which I observed when he come out of the room. When I went up, I went to look at his bundle, thinking there was something to be washed to carry to my neighbour; I saw nothing left for washing, but there was a shirt and a part of an old tin case.

Court. Repeat that to me.—A. I looked into his bundle, my Lord.

Q. What did you find there?—A. I saw a tin case, part of an old shirt, and a pair of leather breeches upon the top of it.

Q. Upon the case?—A. Upon the case, my Lord.

Council. Q. Did you take notice of the case, Mrs. Boxall?—A. I viewed it a quarter of an hour, to be sure.

Q. Be kind enough to view that tin case? (shewing her the tin case that was found).---A. I viewed it from this part (looking at the tin case that was before produced as found in the Hemp-house at the top of it.)

Q. Is

Q. Is that the same cannister do you apprehend?—A. It is as much like, as one can be like another; I really believe it to be the same.

Q. You had some dispute with him about his smoking the room, or filling the room with smoke; did you tell him he should go away from your house?—A. I did. I ordered him out of the house; he said it was very hard he should not be permitted to put his things up, and desired I would go down; he said the candle I carried down was his; I told him, if it was, he might go and take it, that I should not go down after it; I told him, he might take it as he went down stairs.

Q. This was upon the Saturday morning?—A. This was upon the Saturday morning between nine and ten o'clock; then he left my house.

Q. And he never returned?—A. He never returned to my house.

Cross Examination.

Court. Did you never see him again?—A. He carried the bundle in his left hand, and I saw him into High-street; I watched him into the middle of the road.

Q. Was the cannister in the bundle when he took it?—A. I cannot say it was, for on Friday I saw the cannister, but not on the Saturday.

Court. Would you ask her any question, prisoner?

Prisoner. Not at present; I will afterwards.

Court. Do you mean to call her in your defence? because if you do not, this is the proper time to ask her any question.

Prisoner. I have no question to ask her at present; I had rather keep silent at present.

Mr. Serjeant Davy. She shall stay for you.

Commissioner Gambier sworn, examined by Mr. Buller.

Q. Have you got the bundle spoken of by the witness?

—A. Here is the bundle.

Q. From whom did you receive it?—A. From my first Clerk, Mr. John Jeffreys.

Q. Has it been in your possession ever since?—A. It has been in my possession ever since, exactly in the same place.

Mr. Serjeant Davy Q. to Mrs. Boxall. Is this the same handkerchief you saw with the prisoner?—A. It is very much like it; it is the same sort of handkerchief.

John Jeffreys sworn, examined by Mr. Buller.

Q. Do you know that bundle? (shewing him the bundle).—A. That I believe is the handkerchief, I have no doubt of it.

Q. Who did you receive it from?—A. Upon the evening of Thursday the 20th of February I had Commissioner Gambier's orders to make search in North Street, or cause to be made in North Street, or in the neighbourhood, for such a bundle.

Q. When?—A. Upon the evening of Thursday the 20th of February.

Q. Where did you go to make that search?—A. I ordered a junior Clerk and the messenger of the office to make that search in North-street, and its neighbourhood; he came back in about an hour's time, and told me, that he had searched that street, except a few houses, in one of which a particular person was not at home.

Q. Did he go and search that house?—A. Not that night.

Q. When did he search it? did you go to the house and find that bundle?—A. I went the next morning and found the bundle.

Q. Where?—A. At Mrs. Cole's in North-street.

Q. There you found that bundle?—A. There I found that bundle; I can tell the contents partly of it.

Prisoner. Mrs. Boxall may go away.

Mrs. Cole sworn, examined by the Prosecutor's Council.

Q. Look at the man behind you, do you know him?—A. Yes.

Q. Did you ever see the prisoner?—A. Yes.

Q. Where did you see him?—A. At my house.

Q. Where is your house?—A. In North-street, Portsmouth.

Q. What was the occasion of his coming to your house?—A. To take a lodging.

Q. Did he take one?—A. Yes.

Q. Did he leave any thing when he went away?—A. He left a bundle.

Q. Look at that bundle? (Shewing the bundle before produced.)—A. That is like it, Sir.

Q. What became of the bundle which he left?—A. I took it from my bed, where it was.

Q. Who had it from you? was that gentleman there when the bundle was delivered by you?—A. Yes.

Q. Was he one of the persons that received it?—A. He was, Sir.

Q. Had you kept the bundle from the time you found it, till delivered to Mr. Jeffery, and the person that came with him?—A. Yes.

Q. Did

Q. Did the prisoner come to your house the morning of the fire?—A. Yes.

Q. How long did he stay?—A. About a quarter of an hour.

Q. What time of the day was that?—A. In the forenoon between nine and twelve, the hour I cannot pretend to say.

Q. He staid about a quarter of an hour, and then went out?—A. Yes.

Q. Did he return again?—A. No.

Q. Did you open that bundle?—A. It was not tied close, and I saw it a little way open.

Q. What did you see in the bundle?—A. I saw some books, Sir.

Q. Did you ever open it till this gentleman came to look at it?—A. Never untied it.

Q. You never took any thing out, or put any thing in?—A. I never untied it till the gentleman took it.

Court. Mrs. Cole, you say the prisoner came back and staid about a quarter of an hour. When did he come back?—A. He never came back.

Court. I understood her to say he came back.

Mr. S. Davy. No, never came back; came there and staid a quarter of an hour.

Mr. Abram sworn, examined by Mr. Fielding.

Q. What are you Abram?—A. A blacksmith, Sir.

Q. Where do you live?—A. At Portsmouth, Sir.

Q. Look at the prisoner; did you ever see that man before?—A. Yes, Sir; he has lodged in the same room with me.

Q. At whose house?—A. At Mrs. Boxall's.

Q. At Portsmouth?—A. Yes, Sir; in Barrack-street.

S. Davy. Had you any conversation with that man?—A. Yes.

Q. Repeat it?—A. First, he asked me if there was any pressing, and I told him yes, they pressed very hot. I told him the constables were to take all up that could not give an account of themselves. He said, suppose they were to take up such a person as me, I can give no account but by writings I have in my pocket.

Q. Was there any thing about justice in your conversation.—A. He said if he got into the justices hands, was there any way of escaping; I told him no, that there were walls and gates all round Portsmouth, and that he would be sure to be taken. He asked me if there was no way of getting over those walls; I told him no, there were walls

upon all sides,—he said, is there no way of getting out? I said no, all the people go out at one gate; he said again, was there no way of going out?

Q. Was there any thing else said by the prisoner?—A. Yes, he said there was one Brooks in Newgate, whom he knew right well, and he was certain he would be hanged.

Q. What time was it he asked you that question?—A. I cannot say the time.

Q. Where was it asked?—A. At Mrs. Boxall's.

Q. In what part of the house?—A. In the lower room.

Q. Look at those buckles? (Shewing a pair that was taken out of the bundle.) Do you know those buckles?—A. I cannot swear to the buckles; there are a great many buckles alike, but he had a yellow pair of buckles in his shoes, as I told the gentleman.

Q. Are they the same you saw?—A. They are the same pattern, I cannot say whether they are the same, there are so many alike.

Q. Are they the same pattern?—A. Yes, Sir.

S. Davy. Will you ask any more questions?

Prisoner. No more.

John Baldwin sworn.

Prisoner. I cannot embrace you now as I did on Monday e'nninght.

Council for the Prosecutor, Q. to Baldwin. Look at the prisoner at the bar, when did you first see him?—A. The 7th of February.

Q. Where did you first see him?—A. Upon the 7th of February.

Q. Where did you then see him?—A. At Sir John Fielding's.

Q. Upon what occasion?—A. Lord Temple sent his servant to me upon the 6th of February to inform me I should be sent to by Sir John Fielding, in order to give evidence against a person who was looked upon to be a painter, and had been in America—Knowing that I had been there likewise, he thought that I might know the prisoner.

Q. I believe you had been sent for by the family of Mr. Grenville to Sir Fielding, under a supposition you might know the prisoner at the bar, being a painter, and at America?—A. Yes, Sir.

Q. You have been at America?—A. Yes, Sir.

Q. You have been in America?—A. Yes, Sir, I have been at New York, Philadelphia, and Amboy.

Q. You are a Painter?—A. Yes.

Q. You

Q. You, upon the recommendation of Lord Temple went to Sir John Fielding's, and was asked whether you knew him?—A. I did, I told Sir John, I never had known him, to the best of my recollection; I never saw him till I saw him in the adjourning room; the prisoner was at the bar; I made oath of it to Sir John.

Q. This you said in the prisoner's hearing, and that you saw him in an outer room?—A. The prisoner made me a bow at the bar as soon as I had given my evidence at the bar—in the other room I saw him afterwards.

Q. What passed in the other room?—A. In the other room I went to sign my name to a deposition, and in going away the prisoner beckoned to me with his head. I went and sat down by him; he asked me what part of America I had been in, and who I knew there. I mentioned the greatest men in Philadelphia. He asked me if I knew any planters in Philadelphia, I told him many. Who do you know there? I mentioned David Hall.

Q. You mentioned who you knew there?—A. Yes, —k said, I see, says he, you know the place very well, you are not like evidences brought against me. There was one person saw me, but said I had changed the colour of my hair; did they think I was a camelion? Another person said I was transported from Gloucester Goal, and he said you are a gentleman, and wished he could make me satisfaction. He told me he should be very glad to see me at a place called New Prison, I told him I would come whenever he pleased, I could get admission I told him, I did not know what time I should be discharged from —, if I can come I will come; it was near four before I got there to see the prisoner, he was between two gates, he and I walked together. We adjourned to a corner by ourselves; he mentioned a great deal about America, mentioning the gentlemen's names.

Q. This was in New Prison?—A. This was in New Prison; and the same afternoon he begged I would call upon him the next day. I went and acquainted Lord Temple what information I had; and Lord Temple said he thought it was very material, and thought Lord George should be acquainted with it.

Q. That is Lord George Germain?—A. Lord George Germain; he corroborated with it. I carried a letter there, and was introduced to Lord George Germain, who

said he was of the same opinion with Lord Temple, and all possible care should be taken for me to have liberty to see the prisoner, and bring him to a confession, if possible. I went the next day, and had a discourse as before about America. He found by discourse I was an American by principle. He asked me what countryman I was : I told him a Welchman. He said, by your first appearance I thought you a person interested in the cause of America. I told him I married a wife at Amboy, and removed to Philadelphia, and there lived, and had a son, and that son I had now in London. I told him my wife and son would be very glad to see him.

Q. You entered into a very general conversation, you being of the same trade ?

Prisoner. I desire the person should speak very particular, as that concerns me ; I am concerned in it.

Mr. Serjeant Dawy to the Witness. Go on as you was going on ; you mentioned about your family.—*A.* Yes, and that I lived in Philadelphia many years ;—I had a son now in London, who, I said, would be very desirous of seeing him. I told him my wife was very much indisposed, which he said he was very sorry for. I waited upon him from day to day, till the 15th of February ; the 15th he told me all the particulars : He asked me if I knew one Mr. Dean ; I told him no. He said, not Mr. Dean employed by the Congress at Paris ? I said no.

Q. He said no, not know Mr. Dean, who was employed by the Congress at Paris ?

Prisoner. I remarked to the evidence to remember there is a righteous Judge, who always gives righteous judgement, and to be aware of what you say of Mr. Dean ; perjure not yourself ; you are in the sight of God and all this company.

Baldwin. Not Silas Dean, he says : I told him no. He said he is a fine fellow, a clever fellow, says he ; and I believe that Benjamin Franklin is employed in the same errand. He said that he had taken a view of most of the Dock-yards and fortifications throughout England, and particularly the number of guns that each ship in the Navy mounted ; likewise the guns in the fortifications,

tions, the weight of their metal, and the number of men; and he had been at Paris two or three times, and informed Mr. Silas Dean.

Prisoner. Your own soul is in the case; consider what you say in the sight of God concerning Silas Dean.

Mr. Serjeant Davy. I hope he will be hanged in due time.

Prisoner. I hope not, Sir, nor no innocent man. Silas Dean is very innocent.

Baldwin. He said he acquainted Silas Dean in what manner he was to set the Rope-houses and shipping on fire in England.

Court. He told you that he acquainted Silas Dean in what manner the Dock-yard was to be set on fire?

Baldwin. Silas Dean was amazed he should undertake by himself to execute a matter of that kind; but he told Silas Dean that he could do more execution than he could imagine, or any other person upon the face of the earth: Then Silas Dean asked him what money he wanted to carry his scheme into execution; he told him not much, he expected to be rewarded according to his merit: Then Silas Dean gave him bills to the amount of 300l. and letters to a great merchant, or a great man, in the city of London. He was very anxious to know whether Lord Cornwallis had been defeated between Brunswick and Trenton, in the Jerseys: He said he knew General Washington personally, and he believed that General Washington's abilities were greater than General Howe's; and that General Washington would watch and harass General Howe's motions, and that he was assured that the Provincials would conquer this winter; that the great campaign was to be in the summer; that General Washington wanted only a few experienced officers, which he believed would be supplied from France, and Silas Dean was appointed for that purpose to supply him with ammunition and stores; but as for cannon balls, he said they could procure a sufficiency to serve all Europe in America, at a place near Annapolis in America, which he himself had seen; likewise pitch, tar, and turpentine, they seemed to have a sufficiency of.

Q. This

Q. This was in the course of a great number of conversations?—*A.* Yes; I waited upon him from the 7th of February to the 24th, and never missed but one day; I was with him twice most days; he arrived at Dover for that purpose.

Prisoner. Remember that word: This evidence was with me twice most days.

Mr. Serjeant Davy. Yes, so he says.

Baldwin. He arrived at Dover for that purpose.

Court. Is that what he said?—*A.* That is what he told me—That he went to Canterbury, and went into a shop, and spoke for a machine to be made.

Prisoner. Where did I go from to Canterbury, that implies I must have gone from some particular place?

Baldwin. You did not tell me that. He went into a shop, and ordered this machine to be made; that the master was a stupid fellow, and did not know what he meant.

Court. Did he say what machine?—*A.* He said the machine was called a tin cannister.

Mr. Davy Q. He said that was a machine which others called a tin cannister?—*A.* He called it a tin machine.

Q. That the master was a stupid fellow, and did not understand his directions?—*A.* Yes, but the boy was more ingenious; but he was obliged to stay by the boy whilst he was making it to instruct; that he gave him something to get some drink for his pains—then he went into a public-house, with the cannister under his coat—the breast of his coat—There was a dragoon in the public-house, who asked him at the time “who are you for?” He said he was an impudent fellow; with that the dragoon opened his coat to see the cannister—he saw it.

Q. To see what?—To see what he had under his coat.

Q. I don't understand you—what was the quarrel about—the dispute with the dragoon?—*A.* The dragoon asked him, “Which of them are you for?” He asked, “What do you mean?” I mean whether you are a barber or a taylor? says the dragoon.

Q. He opened his coat?

Serj. Davy. Q. He saw something under his coat, he asked what it was for.—*A.* Yes, he said it was no business of his; called him an impudent fellow, and said he didn't mind him nor any of his master's men; he said there was another foldier in the room, who was a civil man; he drank

to him ; then after that he went from thence to Portsmouth ; at Portsmouth he took his lodgings at one Mrs. Boxall's.

Q. All this you are telling is the account he gave you in various conversations ?---A. Word for word---That he took a lodging at Portsmouth.

Q. At Mrs. Boxall's ?---A. Aye, at Mrs. Boxall's, and there he tried all his preparations, which were matches he had made ; he said he had a sheet of whitish paper doubled in ten or twelve folds, then the paper was unfolded in order to be done over with a composition made of charcoal and gunpowder ; he said if the match was not doubled before this preparation was done upon it, that it would cause it to crack.

Mr. Serj. Davy. If what was not doubled ?---A. If the paper was not doubled.

Q. If the paper was not doubled it would cause it to crack ?---A. Yes, he said the charcoal must be ground very fine upon a colour-stone, the same as painters grind their colour upon, and then he said the gunpowder did not require much grinding ; he said that might be mashed with a knife, in the same manner as painters mixed vermilion ; but he said he must be very particular in mixing those two bodies ; that the charcoal is ground in water and mixed to the consistence of new milk, then with a small brush paint the paper over upon both sides with this composition ; he said he had managed the matter so well, that one match would last twenty-four hours ; he said he lodged at Mrs. Boxall's one night, and said that Mrs. Boxall was a very impudent woman, for she had opened his bundle in his absence ; and told me, this curious tin machine was of his own invention, and said, that he had a wooden box made, wherein there was a hole in the centre, in order to put a candle in, and in that box there was turpentine and hemp. The tin cannister fitted this wooden box so well, that when a candle was put in, no persons could see any light ; he said, that the 6th of December last he went into Portsmouth yard, and got into the Hemp-house.

Q. The 6th of December ?---A. The sixth of December, wherein there was a deal of hemp there, and it was so platted together, that he could hardly get it apart ; he pulled his coat off, and then after lighting the hemp, placed this cannister over the box with a small candle in it, and he sprinkled some turpentine about the hemp that was round it ; he was some time before he found his coat afterwards, and when he had found it, there was a deal of
hemp

hemp sticking about it, which he endeavoured to take off; he then went out of the hemp-house into the rope-house, and there he placed a quart bottle of spirits of turpentine, upon its side, with hemp instead of a cork, and close to the hemp he laid a piece of paper, and in this paper was some dry powder.

Prisoner. Pray did I go strait out of the hemp-house into the rope-house?

Baldwin. And to this gunpowder was one of these matches leading to it, and over the gunpowder was some hemp thrown very lightly, and likewise a quart of turpentine strewed all about that; as soon as the fire from the match touched the powder, it would set it all of a blaze immediately; so by cutting this match which he had made into short pieces, it would answer any time that he pleased, in order to make his escape. The next day, which was the 7th of December, he went from Mrs. Boxall's, and took two other lodgings; one was at a public house, the other was at a private house upon the Common; he mentioned the North-street; he said he took particular notice before he took his lodgings, to see which houses had most wood about them; he had his combustibles about him for setting those houses on fire.

Q. Which houses?—*A.* His two lodgings, the same day he set fire to the Rope-house.

Q. For setting these two houses on fire?—*A.* Yes, in order to keep the engines from playing on the yard altogether.

Q. To engage the engines?—*A.* To engage the engines. —He said, that at this lodging on the Common he told the woman he was going to Petersfield, and begged her to take care of his bundle; after that he went into the Dock-Yard, in order to set fire to both Hemp-house and Rope-house; he first went into the Hemp-house and struck fire.

Court. For a light?—*A.* For a light;—but the matches that he had were very damp, that he could not get the sulphur to take fire, and that he wasted a whole box full of tinder, in order to light the candle; that he even blowed at the tinder till he had almost burnt his lips; he then went away from the Hemp-house, and procured some better matches, and returned and got into the Rope-house, and then set fire to the match that was laid into the powder.

Q. Did he mention to you about buying the matches?

—*A.* He mentioned that he bought a halfpennyworth of matches

matches of a woman. — One matter I had like to have forgot, my Lord; he put his preparation in the hemp-house; being so long there, he was locked into the hemp-house, so that when he came to the door he went in at, he could not get out; he said there were several doors belonging to this building, which he tried many times he said, and went the whole length of the building, which he said was upwards of 360 yards; he then went up stairs, pulled off his shoes, and went the whole length there, and could find no possible means to get out; then he returned and got to the same door he come in at, there he heard some person's voice, and he knocked at the door, and said halloo; they asked who was there, and what business he had there; he said it was curiosity that led him there, and he did not imagine they had locked up the house so soon; therefore the person told him to go strait forward and turn to such a door, and he would be able to get out, which he did; when he came out he was vexed with himself that he could not set the Hemp-house on fire, and was also vexed that he could not go to his lodgings at Portsmouth Common; that he had left a parcel, which parcel contained, among other things, a pistol, and an Ovid's Metamorphoses, and the Art and Dangers of War, or something near it, and a Justin; but the most that vexed him was, --- the passport he had left, which was signed by the French King, and in the passport was his real name; but as it was in French, he did not imagine that the people at his lodging could read or understand it; but he was greatly amazed the passport had not been found; he imagined they meant to make a property of it, or otherwise he thought they might take no notice of it, and let it lie. That after setting fire to the Rope-house, he made the best of his way towards London. He said he was so sorry he could not get the matches to light in the Hemp-house, he had a good mind to go and shoot at the windows of the house of the woman he had bought them of. He said that he burnt the bills and letters that he had of Silas Dean, upon account of the behaviour of Mrs. Boxall; and to prevent any suspicion of the gentleman whom they were for; after that, he jumped into a cart and begged the woman to drive quick; that he rode in this cart near two miles, and gave the woman six-pence for driving quick, for he had three or four miles to go before he passed the centries. Soon after he had passed the centries, he looked back a few minutes after, to see the flames, and he said that the very element seemed to be on a blaze; that he walked forwards upon his way to London, and upon

upon the road between the last centry and Kingston, there were two dogs that barked at him very much ; that he shot at the dogs, and believed that he either killed or wounded one of them. He arrived at Kingston the next morning, which was Sunday, about ten, or between ten and eleven, and there waited till pretty near dusk, and then came in the stage to London, and then waited upon this great man in the City ; he told the man he had letters and bills upon him, which he was obliged to burn, which he had received from Silas Dean, at Paris ; the gentleman seemed to be very shy of him, and told him he had received no account from Paris. He said to the gentleman he might think what he pleased, but he was an enemy to Great Britain, and a friend to America, and that he had set fire to the Rope-house at Portsmouth, which he would see in the papers upon Monday---this gentleman ordered him to a certain Coffee-house.

Court. I suppose by your repeating the word gentleman so often, he did not mention his name?---*A.* No, my Lord, I could not get his name from him---I wish I had---and the gentleman waited at the Coffee-house for him.

Q. Did he appoint to meet him there?---*A.* Yes---there they had some little discourse, but the gentleman seemed still to be shy of him ; that there was another gentleman at the Coffee-house which took particular notice of it, which he observed, and therefore did not chuse to stop long---he was angry that this gentleman would not believe his word, and he got up and away he went immediately to Hammer-smith. When he got to Hammer-smith, he wrote a letter to this gentleman---and told the gentleman he was very sorry he would not believe what he had told him, but he was satisfied he would receive a letter in a few days, and that he was going to Bristol, where he should hear of some more of his works.

Mr. S. Davy. Repeat that again, more of his works ?

A. More of his handy works---do you chuse to have an account of all that was done at Bristol.

Mr. S. Davy. Yes, if you please.

Mr. Baldwin. In making his way to Bristol, he called at Oxford.

Court. Brother Davy, he is going now to talk about Bristol ; if you do not want it very much, we have nothing to do with it.

Mr. S. Davy. I have no particular wish about it.

Mr. Mansfield. There are some circumstances respecting Bristol will come out by the evidence, which will very materially confirm the evidence of this man, particularly that

at which relates to its situation ; the grinding of charcoal ; and the reason for which the question was asked with regard to Bristol, was not to impute to him the setting of Bristol on fire, but under the idea of probability that the answer would shew the same design ; I don't mean the same design to set it on fire, but the same motive with regard to America, which will be very material, as it will confirm the design that was in his mind.

Court. You may give in evidence any conversation that relates to Bristol that confirms any thing that has been said here.

Mr. Mansfield. Q. Repeat the account of grinding the charcoal?

Baldwin. He said he arrived at Bristol a few days before Christmas, and he got leave of a painter to grind some charcoal upon his colour stone.

Mr. S. Davy. Q. I want to know of you his reasons for asking the question ; I don't mean what it was he meant to do in particular, but why he would go to Bristol in preference to any other place—why he said he would go to Bristol, more than to Winchester, Horton, or any other place?—A. He heard that there were three or four ships there that were mounted with eight carriage guns, and he wanted to see those vessels, as they were going to the West Indies.

Mr. Mansfield. The same view with regard to America operated to carry him to Bristol ; it was with that view the question was necessary.

Mr. Baldwin. He said that he wanted to grind some charcoal there, and a painter gave him liberty to grind

Court. When was this ? Was this before the fire at Portsmouth or after it ?—A. After the fire at Portsmouth.

Court. Then it is nothing ?

Mr. S. Davy. I shall call a witness to confirm and prove any things after, for that he called upon a man to grind the charcoal ; I shall call that man to prove he called at his house to grind charcoal. I don't mean the preparation relative to this particular fire at Portsmouth ; it is a circumstance confirmatory of the rest, that he made such preparation, notwithstanding what for.

Court. So far as that goes, I see no objection.

Mr. S. Davy. Let it be supposed the charcoal is for innocent purpose, but it is a fact confirmatory of what he had said.

Baldwin.

Baldwin. He said he ground it upon this colour-stone, belonging to this painter at Bristol; that the painter took a great deal of notice about it; he was above two hours grinding a piece of charcoal of that size. (shewing two or three of his fingers)

Q. He told you he went to Bristol?---A. He told me he went to Bristol; the man saw him making this preparation.

Q. In consequence of the account you gave, enquiries were made of the several people?---A. Yes.

Q. When did you give an account of this conversation?---A. I gave the account of this conversation day after day to my Lord Temple, and from thence to Lord George Germaine.

Q. It was the 15th the particulars came out? --A. It was the 15th of February. It was from the 7th to the 15th before I could get any particulars, and on the 15th they came out.

Q. Then you gave an account to Lord George Germaine and Lord Temple the several particulars you mentioned day by day!---A. Day by day: Lord Temple told me he was greatly amazed.

Court to the Prisoner. Now is there any questions you would ask him!

Prisoner. Is it proper I should hear the evidence read over?

Court. I certainly will read it over to you, if you desire it.

Mr. Ser. Davy. As he has no pen and ink, I suppose he desires to have it read over to refresh his memory.

Prisoner. Yes, in order to refresh my memory.

Mr. Baron Hotham then read the evidence of Mr. Baldwin from his notes, and when he had read them said,

I have taken the evidence as accurately as I could; if there is any difference, I should be glad any body in court would set me right.

Prisoner. The evidence is extremely well taken, my Lord.--One thing I will speak.

Court. I advertise you this is not the time for you to make your defence; you had better save yourself for a future time; but if you mean to ask any questions, ask them.

Prisoner. This is only one question, others I mean to refer, my Lord.--Is it proper, in the sight of God, and in the sight of man, that a man, contrary to the laws of God
and

and man, should come with deceit in his heart, as the emissary of other people, to insinuate out of me, or of any person, what they can in this deceitful manner---If they are deceitful enough to deceive one in such a situation---such a distressful situation.---they must certainly have enough deceit in their heart to speak lies of him.

Court. That is mere matter of observation, which will come very well in the course of your defence---it is now more proper for you to apply yourself to ask questions---you may ask any questions you please.

Prisoner. I had rather after the witnesses are all examined---ask them.

Mr. S. Davy. This is the proper time to ask.

Prisoner. Cannot I ask afterwards?

Mr. S. Davy. He shall stay if you chuse to ask him any questions till you have made your defence.

Prisoner. The evidence of this tin cannister that is evidence against me at Canterbury---is there any other gentleman here brought in as evidence?

Mr. S. Davy. We shall call other people from Canterbury.

Edward Evans sworn, examined by Mr. Messing.

Q. Were you at Canterbury any time last year?—*A.* Yes, Sir.

Q. What time?—*A.* I was at Canterbury from the month of October, to the month of February.

Q. Have you ever seen the man at the bar?—*A.* I think I have.---The man is altered a great deal since I saw him; but to the best of my knowledge, I think it is he.

Q. What time?—*A.* Either the latter end of October or the beginning of November, to the best of my knowledge.

Q. Where did you see him?—*A.* At Canterbury.

Q. Did any thing pass between you there?—*A.* Yes, we happened to have some words.

Q. Did you see any thing, or remark any thing particular?—*A.* I did not see any thing about him, no farther than my comrade was by, and he said, he saw something about him.

Q. What dress had he then?-----*A.* A brown Duffield furtout coat, rather shabby.

Q. Did you observe what was within the furtout?----*A.* No, Sir.

Q. You

Q. You did not see it?—A. No, Sir.

JAMES WILSON *sworn, examined by Mr. Messing.*

Q. Do you remember any thing of the prisoner's being at Canterbury?—A. I remember the man fighting with my comrade.

Q. Look at the prisoner; do you think him to be the person?—A. I do really think he is the same person; I never saw him before or since.

Q. Is it the same person?

Prisoner. Are you positive to my person?—A. I am not positive; I think it is the same dress.

Prisoner. Do you mean the inside dress?—A. I think it is the inside dress.

Council. When you say the same dress, do you mean the inside as well as the outside coat?—A. I don't remember the outside coat; it is much the same dress he has now, to the best of my judgment.

Q. Did you see a dispute between him and your comrade?—A. Yes.

Q. What did you see under his coat?—A. I saw something bright under his coat; what it was I cannot tell; it was like a glistening of tin; it glistened like tin.

Q. Did you see much of it?—A. No, I did not; I did not think any thing about it.

Q. Was it in a pocket?—A. It was in a pocket.

Q. Was there any difference between him and your comrade?—A. He had been fighting with him; there was a scuffle.

Prisoner. I have one thing to remark; pray, Sir, are you his Britannic Majesty's Council?

Mr. Messing. Yes, I am, Sir.

Prisoner. Have you done with the examination of this person?

Council. Yes.

Prisoner. I only wanted to know if you had been his Britannic Majesty's Council, and done his examination.

JOHN FISHER *sworn, examined by Mr. Buller.*

Q. Where do you live?—A. At Mr. Lawrence Tuck's, at Canterbury.

Q. Do

Q. Do you know the prisoner? — A. I think I have seen him.

Q. When? — A. About six or seven weeks before Christmas.

Q. Where did you see him then? — A. At my master's shop; I think it was the same person that came and ordered two cannisters of me.

Q. What is your master? — A. A tinman.

Q. You say it is the same person? — A. I think it is.

Q. What was the directions for? — A. To make them of a long square.

Q. Have you got those cannisters here? — A. One I have, Sir.

Q. Produce it.

Witness. Here it is.—[He produces a tin cannister, or case, like that found in the Hemp-house.]

Q. Was that made by his directions? — A. It was made by his directions.

Q. What shape? — A. A long square.

Q. There were two of them left upon your hands? — A. Two of them.

Q. Did he call afterwards for them? — He called afterwards, and they were not done—not completed.

Q. After that he never called again? — A. He never called no more.

Mr. Serjeant Davy. It will be fit for the Jury, if your Lordship pleases, to compare this with the other—you see this is what he did not take away that the witness now produces.

That which was found in the Hemp-house, and that which was left upon the tinman's hands, compared together by the Jury.]

WILLIAM BALDY sworn, examined by Mr. Mansfield.

Q. Look at the prisoner; did you ever see that man in the Dock-yard, at Portsmouth? — A. Yes, Sir.

Q. Where, what part of it? — A. About 100 yards from the East-end.

Q. Of what? — A. Of the lower floor of the Rope-house.

Q. In the Rope-house? — A. In the Rope-house; in

the lower floor where the cordage is made, the 7th day of December.

Q. And you are sure you saw him in the Rope-house?
—A. Yes, Sir.

Court. What time of the day? — A. Between eleven and twelve, my Lord, nearer twelve than eleven.

Q. What part of the house? — A. Within 100 yards of the East-end of the lower floor; he came down upon the South-side of the house, and when he came so low as near 100 yards, he crossed over to me, where I was then sitting.

Q. What was your conversation about it? — A. He picked up a small smooth stone, which he held up in his finger in this manner, and said, pray, Sir, do you make use of this in making of cables. (The address of the question induced me to look at him; I thought he appeared very ignorant.) I said no, we don't make use of those things. I suppose those things came out of some clay in those barrels then using. There was the number of threescore and ten for making cables. Those barrels were filled with clay, and I suppose this stone came out of one of them.

Q. You had that conversation in consequence of this question? — A. Yes, Sir.

Q. Did he stay any time there? — A. He staid the value of five or six minutes.

Q. And then he left you? — A. And then he left me.

Q. When did you see him again? — A. I saw him about ten minutes after, or a quarter of an hour, I cannot be particular.

Q. When—the second time? — A. I saw him the second time at the East-end of the same floor.

Q. Was he doing any thing particular, or walking about? — A. No, Sir, he had been up stairs, I suppose, because I saw him come down stairs.

Q. He did not do any thing particular; he came down stairs; you saw him move from one part to the other of the Rope-house? — A. Yes; there was one William Westen he addressed with, how do you do—how do

do you do—holding out his hands ; they fell into conversation which did not concern me. By the man's addressing him I supposed they knew each other ; upon that I took myself off.

Q. Having seen the prisoner now, are you not certain that is the man you saw in the Rope-house the day of the fire ?

Witness. You ask whether I am certain ?

Council. Aye.—*A.* Yes, Sir.

Court. What is your business in the Dock-yard ?—*A.* I am a rope maker.

WILLIAM WESTON *sworn, examined by Prosecutor's Council.*

Q. Look at the prisoner behind you ; have you ever seen that man before ?—*A.* To the best of my knowledge I have.

Q. Where ?—*A.* In the Rope-house the day that the fire was ; to the best of my knowledge that is the man I saw in the Rope-house.

Q. You had some conversation with him ?—*A.* Yes, Sir.

Q. Did you know him before ?—*A.* About seven weeks before ; for he was walking round : He said he had been round the Dock, and he was never in the Dock in his life before. He asked which was the Painter's shop.

Q. You had known him before, that was the reason he spoke to you before you spoke to him, the day of the fire ?—*A.* Yes.

Q. The day before the fire was, you spoke to him, and you had seen him seven weeks before ?—*A.* Yes.

Q. In the Rope-house ?—*A.* Yes ; seven weeks before.

Q. Did you see where he came from, Mr. Weston ?—*A.* No.

Q. What part of the house did he come from ?—*A.* I don't know.

Q. Did you see him come down stairs ?—*A.* No.

Council to the Prisoner. Will you ask him any questions ?

Prisoner.

Prisoner. No.

EDWARD CARY *sworn, examined by Mr. Buller.*

Q. Cary, were you at Portsmouth at the time of the fire?—*A.* Yes.

Q. Was you there the day before the fire?—*A.* Yes.

Q. What are you of the Yard?—*A.* The shipwright's apprentice.

Q. Do you remember whether any person was shut up in any part of the Yard?—*A.* Yes, Sir, the night before the fire.

Q. Where was he shut up?—*A.* In the Rope-house.

Q. Did you see him?—*A.* No, Sir, I did not see him; I heard a man making a noise, and I went up to the door.

Q. A rumbling?—*A.* A rumbling, and making a noise.

Q. What kind of noise?—*A.* It was a rattling at the door: I went up, and asked what he wanted.

Q. Did he give any answer?—*A.* He said he was locked in, and asked if we could let him out: I said we could not let him out; we called the watchman; he took notice of him; he said he must abide there all night. When we went away, we left him in the house.

Q. Do you know how he got out?—*A.* No.

Prisoner. I have one question to ask. Was it the night of, or the night before the fire?

Carey. The night before the fire.

ANN HOPKINS *sworn, examined by Mr. Buller.*

Q. Look at the man that stands behind you; have you ever seen him before?—*A.* Yes.

Q. When?—*A.* Upon Saturday.

Q. What Saturday?—*A.* Last Saturday, Sir.

Q. When did you first see him?—*A.* The day that the Dock was on fire.

Q. At what time did you see him?—*A.* I believe it was four, or half after; I cannot be exact to the time.

Q. Where did you see him?—*A.* I was coming from market with my little cart, he came by the Flying Bull at Cosham, and stopped my cart; it was a tilt cart, close, and I was alone; I did not see him till I came close to him; he stopped my cart and asked where I was going: He said
he

he would give me any thing to give him a lift ; that he was going to Petersfield, and should be benighted, and he must go. He jumped up into the cart immediately. After he was up in the cart he said---Do, Mistress, drive faster ; drive as fast as you can. Coming out of Cosham I called at a shop to buy a pair of pattens of a shilling price.

Q. When he came up to you was he heated at all ?---A. Yes, very much out of breath ; he appeared to be so ; he desired me to go as fast as possible. When we came out of Cosham, I bought a pair of pattens at one shilling price : I was to give the woman a shilling for the pattens ; he took a six-pence out of his pocket, and gave the woman.

Q. And you gave the other ?---A. Yes.

Q. What was that for ?---A. I don't know---to make haste---I told him I must stop at the shop ; he hoped I would not make it long.

Q. When you told him first he desired you not to stop ?---A. Yes, he said he wished he could get a returned post chaise ; he would give any thing for a returned chaise ; he must go to Petersfield.---When I came to the pond in sight of my own house, I stopped to let the horse drink ; he jumped out of the cart and ran away as fast as ever he could run, and went the London road ; I never set eyes on him after.

Q. Was it before the fire happened ?---A. No, Sir ; it was after I got him it begun, I believe.

Q. The prisoner, when you stopped, you say, to let your horse drink, jumped out of your cart and went up the great London road ?---A. Yes, and I saw no more of him.

Elizabeth Gentile sworn, and examined by Mr. Serjeant Davy.

Q. You live at Portsmouth ?---A. At Portsmouth Common.

Q. Look back and see that man ; you saw him yesterday I believe ?---A. Yes.

Q. When was the first time you saw that man ?---A. The day before the fire.

Q. Where did you see him then ?---A. I saw him at my own House on Portsmouth Common.

Q. Upon what occasion did you see him there ?---A. He came to my house and asked me for an half penny-worth of matches ; I took him down two bunches, and put them

them upon the counter; he asked me if they would take quick; I told him there was a fire, he might try them: He took up two bunches, and gave me one, and desired I would change it; I did; he takes his money out of his pocket, and he takes out some silver and halfpence to give me an halfpenny; I gave him another bundle.

Q. Then he paid you?---A. Then he paid me.

Q. Are you sure this is the same person?---A. I am certain of it, Sir.

Prisoner. Are you certain, from so small a view? you have hardly observed my physiognomy?---A. I did.

Q. By so short a look at me?

Mr. S. Davy. That is a very material observation; you say you are sure of the man; he says he did not stay long enough for you to observe his countenance.

Prisoner. No, I did not say that---that is a mistake; I say the evidence took so short a notice of me now, when she look'd up to me.

Eliz. Gentle. I saw him in the Goal.

Mr. S. Davy. Look at him again particularly; are you sure that is the man?---A. I am certain of it.

Mr. S. Davy. The Jury should be informed, by the officers of the court, what are the contents of this bundle: But first the passport should be seen.

Prisoner. I should be glad to know if there are any more witnesses from Canterbury; have I an authority to call them?

Mr. S. Davy. This we are going to call will be the last witness from Canterbury.

John Hillingdon sworn, examined by Mr. Mansfield.

Q. Can you see the prisoner?---A. Yes.

Q. Did you ever see him at Canterbury?---A. As far as there is any human probability of knowing the person again, I did, Sir.

Q. You mean he has been seen by you at Canterbury?---A. As far as there is any human probability of knowing a person.

Q. What are you?---A. A Surgeon and an Apothecary, lately an Apprentice.

Q. Upon what business or occasion did you see him at Canterbury?---A. By his coming and buying some articles.

Q. What articles did he buy?---A. Two ounces of spirits of turpentine, and a quarter of a pound of saltpetre, what we call nitre.

Q. About

Q. About what time, as far as you recollect?—A. As far as I can recollect since this discovery, it was either three or four days before or after the 20th of November.

MARY BISHOP sworn.

Q. Did you ever see the Prisoner before?—A. Yes.

Q. Where?—A. At my house in Canterbury.

Q. Do you recollect at what time you saw him there?—

A. It was between Michaelmas and Christmas; but I cannot recollect the particular time.

Q. Had he any conversation with you when he was at your house at Canterbury?—A. He told me he had been interrupted by a dragoon at the White Horse; he told me he came from America on account of the disturbances.

Q. Do you recollect whether he applied to you to direct him where he might get any thing made?—A. He asked me afterwards where he might get a wooden thing made?

Prisoner. Is that a proper question to put?

Counsel. If I was to put an improper question, the Judge would stop me.

Court. No improper question will be put; and you ought to see by this time that the candor of the Counsel for the Crown will prevent them putting an improper question.

Q. Did you see any thing that was made for him?—A. I saw a wooden thing which the apprentice of Mr. Overshaw, to whom I directed him, brought into my house for him; the Prisoner put it under his coat, wishing not to have it seen.

Q. Did you see that wooden thing?—A. I saw the wrong end of it; the shape of it was a long square.

Q. Was it at all like this? [shewing the witness the wooden part of the machine found in the Hemp-house].—A. Yes.

Q. What is become of the apprentice who made and brought this machine?—A. He is since dead.

Q. You say it was like this wooden machine?—A. As high as I can guess it was like this; it was of the same shape.

Court. How long was it after he asked you where he could get such a thing made, that you saw it brought to him by the apprentice?—A. Some time in the afternoon, I think, of the same day.

JOHN DALBY sworn.

Q. I believe you apprehended the prisoner?—A. I did.

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Q. What

Q. What did you find upon him when you apprehended him?—A. I found upon him a Bath metal seal; a pair of steel buttons; a snuff box with tinder; a small powder horn with gunpowder; a large nail piercer; a striking tinder box primed; a screw barrel pocket pistol loaded with shot; two bundles of matches dipt in brimstone; a phial bottle half full with spirits of turpentine, and a small pair of scissars.

THOMAS MASON *sworn.*

Q. Where do you live?—A. In the parish of St. Philip and Jacob, in the county of Gloucester, near to Bristol.

Q. Look at the prisoner, did you ever see him before?—A. He was in my house the morrow after Christmas day.

Q. What business had he there?—A. He came to my house about 11 o'clock; he asked me to let him grind a lump of charcoal upon my colour stone.

Q. What business are you?—A. I am a tyler and plaisterer, and a house painter; I told him yes sure, and welcome; I shewed him my colour stone.

Q. What did the prisoner tell you he was?—A. I talked with him a good while afterwards; when I was in my room, I saw him pull a hanger from under his coat when he began grinding, and lay it down, and lay his great coat upon it; I said, why you are one of the prefs gang; no, Sir, said he, I am not.

Q. What did he tell you?—A. I asked him when he was sitting in my house, what he did think of the American affairs? He said he wished that affair had never happened; that he had lost a plantation there, and he hoped when that affair was over he should have it returned to him.

Prisoner. Is it proper that this man's evidence should be invalidated or not, from his own downright contradictions.

Court. I did not observe any contradiction; the witness does not seem to be very quick of apprehension, and did not immediately understand the question put to him; it is nothing but relating a discourse which does not appear to be material.

Counsel for the Crown to James Gambier, Esq. Have you, Sir, translated the passport?

Mr. Gambier. This is the translation, as well as I understand the English of it.

Prisoner. I object to the passport being read.

Court.

Court. State your objection.

Prisoner. That they who shall be called to witness for or against me, may not hear the contents of it.

Counsel for the Crown. We shall call no more witnesses.

The passport was read as follows :

Exhibited
at the
Office of
Marine at
Calais.

By the KING.

To all Governors and our Lieutenant Generals of our Provinces and Armies, Governors particular, and Commanders of our Towns, Places, and Troops ; and to all other our officers justiciary, and subjects to whom it shall belong,

Health.

We will and command you very expressly to let pass safely and freely, Mr. James Actzen, going to England ; without giving him or suffering him to have any hindrance ; but on the contrary, every aid and assistance that he shall want or have occasion for. This present passport to be valid for one month only, for such is our pleasure.

Given at Fontainebleau the 13th of November, 1776.

LOUIS.

Gratis

By the King,

DE VERGEMNES.

Counsel for the Crown. Now it will be material for the officer to tell your Lordship what those books are.

Officer. The books are Ovid's Metamorphoses, a Treatise of the Arms and Engines of War, of Fire Works, &c. and the other is the History of Justin.

Counsel for the Crown. My Lord, this is all our evidence.

Court. Prisoner, the evidence against you is now closed ; this is therefore the time for you to make your defence.

PRISONER'S DEFENCE.

I understand, my Lord, that that French passport was not found out till a few days ago ; and since my first apprehension, a great part of the kingdom has been sought, and persons have been brought from many different places to give evidence who I was, or

what I am, or so far as they knew about me, and every particular thing that has been witnessed respecting the late fire in the Dock-yard, from these evidences given, and the communication of them to all the people in the kingdom, by news-papers, and other ways, I think it is possible, and may have been possible for Mr. Baldwin, or for any other person that is any way at all intelligible, to bring every evidence against me that that person has done, by the said knowledge from public papers and conversation; nevertheless, whether it is a false accusation, that is upon me, or whether it is a betraying of trust, through the treachery of the heart, God Almighty, the Great Judge of all, only knows; if it is the former, I pray God Almighty may forgive him! if it is the latter, I pray the same! but in that case I should like to know, whether it is proper, that a person possessed of such a disposition as that, should come from emissaries unknown to me, and do all that lies in him to insinuate any thing out of me, unknown to me, and daily to come and go, and give information to the said Lord George Germain? I should like that your Lordship would take it into your consideration, as in the sight of God, whether such a person has a right in the sight of God, and according to the laws of man, and of this kingdom, to give evidence against a man, that his evidence ought to be regarded? He that may have been able to betray me, and speak things in the dark of me, he is able also, I think, to give the lie to any man, through motives of gain, or any other motives whatsoever; your Lordship can consider that in your own mind, much better than I can speak it, as I am not endowed with oratory.

Court. Do you rest your defence on that observation, or do you intend to call any witnesses?

Prisoner.

Prisoner. With respect to any other witnesses that may be called against me, if there is any positive fact can be proved against me, I will then prove the negative, or otherwise the court will proceed according to the laws of the country. I have one thing more to say; I would put a few questions to this man, Mr. Baldwin.

Prisoner. I think you gave evidence, that I should have said to you, that on Friday the 6th of December last, I went into the Hemp-house, belonging to his Britannic Majesty's yard, in Portsmouth?

Baldwin. I did.

Prisoner. And that I went in there with some combustibles, and lighted some hemp?

Baldwin. Yes; in order to set fire to the combustibles.

Prisoner. Do you speak of lighting a flame, or laying the thing lighter?

Baldwin. You said it was matted, that it was to make it lie light.

Prisoner. It is not my business to deny going to Canterbury, or confess it; do you say, that I said I went to Canterbury and had the tin machine made?

Baldwin. Yes.

Prisoner. You also say, that I said that I went into a house on Portsmouth Common, and left the passport?

Baldwin. Yes; among other things.

Prisoner. There are some other evidences say, that I was at Canterbury; one says, about six weeks before Christmas, another says, about six or seven, another between Michaelmas and Christmas, another, before or after the 20th of November; of the other three, two speak of it as sooner: respecting the French passport that has been found at Portsmouth, it seems to me inconsistent how it can be my passport, and at

the same time, I to be at Canterbury, or any where in England at the time mentioned; the date of the passport is the 13th of November; if I can bring these two articles to bear, it seems very unintelligible to me, for it is sworn, that I said that is my passport; and again it is sworn, that I was in England at that time; that is equal to the good gentleman that said I had power to alter the colour of my own hair; if there is any thing brought against me that is positive, I am ready, with the greatest pleasure, by the help of Almighty God, to receive the punishment of the laws of the country, be what it will: there are other things surprize me more than that. I have nothing more to say, my Lord.

Counsel for the Crown. We have done with our evidence.

Court. Will you call any witnesses?

Prisoner. For what end? till something is proved positive against me, I intend no defence in the world. I am ready to live or die according to justice.

Mr. BARON HOTHAM.

Gentlemen of the Jury,

The Prisoner at the bar stands indicted for setting on fire, and procuring to be set on fire, the Rope-house, in the Dock-yard at Portsmouth; and before I sum up the evidence to you, I will make one general observation; that though it is impossible for any language to aggravate this offence, yet it is not for you now to feel the magnitude of that crime; you are to divest yourselves entirely of all the horrible consequences of the perpetration of it, and apply your consciences to this single fact; Is the Prisoner guilty or innocent of this offence? What the consequences of it are, or might have been, I wish you not to think of; because it is in human nature to feel prejudices, that one wishes at such a moment as this Juries should forget. I am sure, therefore, you will now think of nothing but the plain simple fact itself; and whether it is, or is not, supported by the evidence you have heard.

Gentle-

Gentlemen, The first witness is James Russell, who says he is clerk to the clerk of the Rope-yard, and that upon Saturday the seventh of December last, at half past four o'clock, he first perceived the fire by which the Rope-house was consumed. There were hemp toppings in the middle loft, and cordage on the ground floor; and that was the usual repository for both; much of it, he says, was burnt. This witness was called to prove the fact of the fire itself; which, though too notorious to doubt about, was necessary to be proved in evidence. He says, on the fifteenth of January he found a tin case in the Hemp-house, on the ground floor; and, upon its being produced, he says, it appears to be the same—he has no doubt at all about it. He told you that there was a box in it; but, at the time it was found, there were besides, matches, tar, and oil, in the wooden box; but the tin box and the wooden box were then separate. He says, he found also a bottle, which had had spirits of turpentine in it; he found all these things in the Hemp-house, just by the box: its situation was in the centre of a mow of hemp; and it had the appearance of concealment, though, he says, a person, by going up to the upper end of it, if he had had a suspicion or apprehension of it, might possibly have discovered that such a thing was there. He says, there was a great deal of loose hemp near it, and there was some dunnage, which I understand to be cuttings, or refuse of hemp, which seemed to lie under the box and the cannister. There was also some brown paper lying near it; and, from the appearance it had, it seemed to him to have been all thrown in together over the bundle of hemp upon the mow; and by falling against the mow, they had separated. Now, Gentlemen, it is material for you to understand, that all these several things were found in this place, because in the course of the evidence you will find most, if not all of them, particularly accounted for;—he says, that there was hemp in the place; that both it and the Hemp-house must have been consumed, if the fire had happened; for you will recollect, that though fire was attempted to be set, as well to the Hemp-house as the Rope-house, the Providence of God did interpose, and prevent that from taking effect.

William Trench, the next witness, says, that he saw the Prisoner at his master's house, just without West-gate, in Canterbury; and he thinks it was about a month or six weeks before Christmas.—The observation which the

Prisoner has made in his Defence is very true; namely, that all the witnesses from Canterbury give rather a different account about the time; they are none of them very particularly precise; they all speak rather at large about it. But it does not seem to me to weaken that evidence, because five or six different people do not all concur in their recollection of the very day when the person was at Canterbury; and when they speak cautiously, it is not to be wondered at that they differ a little, a few days, or a week, in their account. This witness says, that it was a month or six weeks before Christmas, and that he himself made the tin machine for the Prisoner: The first time he was applied to upon this business was on the Monday before last, and that was particularly asked him, in order, I suppose, to shew you a material circumstance that this was after the Prisoner had confessed the whole himself to Baldwin. But when I use the word confession, it is proper now, at the outset, to make one general observation to you upon the evidence of Baldwin. I do not look upon this as being strictly a confession of the Prisoner: but it was evidence which the man himself chose to disclose to Baldwin without any solicitation whatsoever, and without any promise or engagement of secrecy. It seems to have come from the Prisoner himself spontaneously; and, as far as we have the evidence before us, Baldwin does not seem, in any one of these conversations, to have sought a discovery from the Prisoner; but it has all come from the Prisoner, and not from Baldwin; and therefore what the Prisoner has said in his Defence by way of objection to Baldwin's evidence, does not, in my apprehension, weigh much in the consideration of this question.

Tench then proceeds to say, upon being cross examined by the Prisoner himself, that he knows the cannister very particularly by the seam in it, and that he knows the seam by its being very bad folder; that he took particular notice of the badness of the folder when the Prisoner came, and that he can swear to that folder any where: that he knows the Prisoner by his person; he thinks also by his hair, but he is positive that he had the same sort of coat on as he has now. He says he does not pretend to recollect the particular day that he made the cannister.

Elizabeth Boxell says, that she saw the Prisoner the day before the Rope-house was on fire at her own house, in Barrack-street,

rack-street, Portsmouth : that he took a lodging of her, and lodged there one night, which was the night before the fire. And, Gentlemen, her evidence, abstracted from bringing it home to the Prisoner that he was at Portsmouth at the very time, is extremely material, if you give her credit; inasmuch as she speaks to particular work and operations, upon which she found him employed; for, she says that that very night, when he was at her house, she observed a very ugly sulphureous smell in his room; and she smelt it again on the Saturday morning: she was so uneasy at it, that she went up stairs; she pushed open the door, and found the room full of smoke; she asked him, with great anxiety, what he was about? She saw that he had been burning something by the side of the fire, and on the hearth itself: She said she took a candle from him, but observed it was not the same candle she had carried up. She says he was doing something too on the chair. She then went down stairs, but returned again immediately; and, in that interval, she having opened the window, and he having shut it, she told him he should not shut the window, and insisted upon its being kept open. I say, Gentlemen, this is material; because, as this case is to depend entirely upon a chain of circumstances, you must lay all of them attentively together, and circumstances may form such a body of evidence, as shall be abundantly stronger than where two or three witnesses swear to a positive fact. If you should think this case stands upon such circumstances, you will draw your own conclusion: If you think the circumstances are not strong enough to bring the charge home to the Prisoner, you will then discharge your consciences by saying so: but upon every little circumstance you must hang. This, therefore, is material to recollect. The Prisoner is employed visibly in some preparation of combustible matter over night, and next morning; the fire happens that very day. That, therefore, you will take as one circumstance. She then mentions another, which turns out to be also material; which is, that on the Friday, looking into the Prisoner's bundle, she found in it part of an old shirt, and a pair of leather breeches, upon a tin case: now you have had it in evidence that a tin case was found in the Hemp-house: she says, she viewed this tin case a quarter of an hour, and therefore is very particular in swearing that it is as much like the case which has been produced to you, as any thing can be. She says, she was so much alarmed at his proceedings, that she

she ordered him out of her house; and, indeed, she says that she would not quit the room. He said he wanted his candle; she bid him take it as he went down: that, bye and bye, may turn out also to be a circumstance fit to be remembered. She says he took away the bundle; but she does not know whether the cannister was in it at that time: she had seen it on the Friday, and this was on the Saturday. Then Mr. Commissioner Gambier produces the bundle which he received from his clerk, John Jeffereys, on the twenty-first of February; it is shewn to Mrs. Boxall, who says she does believe that to be the same bundle.

John Jeffereys, who delivered the bundle to Mr. Gambier, says, that he has no doubt about the handkerchief, which incloses the contents, being the same: He says that on the evening of the 20th of February, he had orders to search all about, and particularly in North-street, and he found the bundle in North-street, at a Mrs. Cole's.

Mrs. Cole being called, says, that she knows the Prisoner; that he came to her house on the day of the fire, and took a lodging there; that he left a bundle; and looking at the bundle now produced, she says it has all the appearance of being the same bundle. Mr. Jeffereys, and another person, she says, had it from her; that she never opened it whilst she had it; that the bundle was not tied quite close, and she saw a little way into it. She says the Prisoner came to her house in the forenoon: that he staid about a quarter of an hour, and went out about eleven or twelve o'clock.

William Abram, a blacksmith at Portsmouth, says he lodged in the same room with the Prisoner at Mrs. Boxall's; the Prisoner asked the witness if there was any pressing? He said, Yes; there was a pretty hot press. The Prisoner said, suppose they were to take up such a man as me; I could give no other account of myself but from writings in my pocket? Then he asked, if a man was to get into the Justice's hand, could there be any way of escaping? The witness said no. Why not escape? said the Prisoner. Why there are very high walls. Why, is there no way of getting over the walls? He said no. The witness says, that then the Prisoner said there was one Brookes in Newgate, that he knew would be hanged. He says the Prisoner had yellow buckles on, but he cannot swear to the buckles that are shewn him (which are part of the contents of the bundle) being those buckles, though they are the same.

same pattern. Now, upon this evidence, I would make this observation : That Abram proves the identity of the Prisoner : He proves too his lodging at Mrs. Boxall's house ; so that he confirms her evidence, and to his lodging there at that particular time : And then the bent of the Prisoner's conversation with him, (for you are to take the whole evidence together) you may, perhaps, think implies that he then had something in contemplation, which might induce him to wish to make his escape.

The next witness is John Baldwin : This, you see, is the material witness, upon whose account very much will depend. I did read over his evidence before to the Prisoner, as he wished to hear it ; but I will repeat it now to you. John Baldwin says he first saw the Prisoner on the seventh of February, at Sir John Fielding's, having been sent there by my Lord Temple, because he thought he might know the Prisoner, as he was a painter, and had lived in America, and the Prisoner was described as having been there. He says that he himself had been at Amboy, at New York, and at Philadelphia : He says he told Sir John Fielding that he had never seen the Prisoner ; that the Prisoner heard him say so, and made him a bow : He afterwards saw the Prisoner in another room, and the Prisoner beckoned to him, and he sat down by him ; and then he entered into a little discourse, and asked him who he knew there ? He mentioned several people, particularly some painters ; and he told him, " you are not like the other evidences, who have sworn falsely, but you are a gentleman, and I wish it was in my power to make you a satisfaction ;" and said he should be glad to see him in New Prison : He says, at near four o'clock he went there ; he went into a corner between the two gates, and there he discoursed a good deal with him about America, and desired him to come again the next day. Lord Temple sent him, in consequence of this, to Lord George Germain ; and they both thought it material that he should go to the prison. Accordingly he went again the next day, and had a good deal of discourse with the Prisoner ; The Prisoner told him he found he was an American by principle ; but what countryman was he ? He said he was a Welshman ; " Why," said he, " I find you are interested for America, however." Then, he says, he told the Prisoner that he was married at Amboy, and they talked about the witness's family. He waited upon him, he says, from day to day, till the fifteenth ; and in the course of

of all that time, nothing but general discourse passed upon the subject of America; but upon the fifteenth he made material discoveries; he then began, and he told him all the particulars. I do not mean that he told him all upon the fifteenth of February; but I collected from his evidence, that the substance of what he has told you, all passed subsequent to the fourteenth of February; and among other things, he asked him, "Do you know one Mr. Dean?" He said no. "What not Mr. Dean, employed at Paris by the Congress?"---No. "What not Silas Dean!"---No.---"He is a fine fellow: I believe Benjamin Franklin is employed about the same errand." And then he told him that he had taken a view of most of the Dock-yards and fortifications about England, and particularly the number of guns in each ship of the Navy, and the weight of their metal, and the number of men; and he said he had been at Paris two or three times, to inform Silas Dean of the particulars of what he found in the Dock-yards; that Silas Dean was greatly pleased with what he had done, and he acquainted Silas Dean in what manner the Dock-yards were to be set on fire; and Mr. Dean was amazed he could undertake to execute it in such a manner alone; but he told him he would do more execution than he could imagine, or any person upon the face of the earth. Dean asked him what money he wanted to carry his scheme into execution? He said not much; that he expected to be rewarded according to his merit. Silas Dean, however, he said, gave him bills to the amount of 300*l.* and letters to a great man, a considerable merchant in the city of London. In his discourse with the witness, he expressed his anxiety to know whether my Lord Cornwallis had been defeated in America; he said he knew Washington personally, and believed him to be abler than General Howe. That he would watch and harass General Howe, and he was sure the Americans would conquer this winter; but the grand campaign was to be in the summer. He said he only wanted a few experienced officers, which he believed would be supplied from France. That Silas Dean was appointed at Paris for that purpose, and to buy stores and ammunition; but as to cannon ball, they had enough in America, particularly somewhere in Maryland, to supply all Europe; and likewise pitch, tar, and turpentine. He says, from the seventh of February to the twenty-fourth, he was with him every day, and mostly twice a day: the Prisoner told him, among other things, that he arrived at Dover

Doyer from Paris, and went to Canterbury. Now here you see appears the materiality of the Canterbury evidence. That he went into a shop at Canterbury, and bespoke a machine to be made which they called a cannister: the master to whom he applied, he said, was a stupid fellow, and did not understand him; but the boy was more ingenious, though he was obliged to stay by him to instruct him. Now that boy, you see, has been called, and confirms this part of Baldwin's evidence, by swearing positively to the Prisoner being the man who came to his master's shop, who bespoke the cannister; for whom he made the cannister, and who took away the cannister. That the Prisoner told him he gave the boy something to drink, and then he went into a public-house with the cannister under the breast of his coat; that there was a dragoon in the house, with whom he had some words, and that the dragoon opened his coat to see what he had in it. The dragoon, you will recollect, is called, and he confirms this story, not directly, but in such a way as leaves very little room to doubt about it: He does not, you will recollect, swear positively to seeing the actual cannister itself, but he saw something under the breast of the Prisoner's coat shining and glittering like tin: And he mentions the circumstance of the Prisoner's having had a quarrel with his comrade, which the other dragoon also confirms him in, though both of them swear cautiously to the identity of the Prisoner. The witness says the Prisoner told him, that from thence he went to Portsmouth, where he took a lodging at Mrs. Boxell's, and there he tried his preparations. Now, Gentlemen, I think I am warranted in saying that Mrs. Boxell's evidence was very material, inasmuch as he himself, in his discourse with the witness, has confirmed her testimony in the strongest degree; for he tells him here what she told you before, that he was employed in her house in preparing and in trying these combustibles. He goes on, and says, that there were matches made by a sheet of whited-brown paper, being folded up in ten or twelve folds; and he told him this was the method in which he made them in order to be done over with a composition of charcoal and gun-powder; that is a small circumstance as it passes; but you will recollect it presently as being, perhaps, material: The charcoal, he said, must be finely pounded upon a colour-stone, such as painters use, in order to make it effectual; he said the paper must be doubled before it was done, in order to prevent its cracking. — Now there was a witness called afterwards,

wards, relative to what passed at Bristol, who is a painter. You will recollect I was desirous that he should steer clear of dropping any thing about the calamity that we have all heard of at Bristol ; because we are not now in charity, or justice, at liberty, to suppose that this Prisoner had any the remotest connection with what happened at Bristol. But the evidence was material in this way, to prove him at Bristol, merely for the purpose of confirming that part of Baldwin's evidence, where he said the Prisoner told him he went afterwards to Bristol, and to prove him to have been with Mason, the painter. It shews too, that he knew how to make this preparation, and that, in fact, he did himself apply to the painter to grind charcoal upon a stone, for some purpose or other ; what that purpose was is no consideration of our's, nor was that the view with which the evidence was called : But, however, he knew that was the method of grinding charcoal ; and therefore it confirms Baldwin, in some measure, in this part of his relation. The witness says he told him that the gunpowder does not require much grinding ; that might be mashed with a knife, as painters mix vermilion ; but they must be very particular in mixing these two bodies together ; the charcoal is ground in water, then mixed up to the consistency of new milk, and then with a small brush, the paper that is to make the match, is painted over with it : and it is so managed, that the match will last twenty-four hours. You will imagine, I dare say, without my telling you, that it is material for any person, who intends to carry into execution such a purpose as this, that it should not be executed too soon ; it is of importance that it should be some time about, in order to facilitate the party's escape ; and therefore it is to be so contrived, that it is not instantly to take fire. He told the witness he lodged at Mrs. Boxell's one night, but she was a very impudent woman, for she had opened his bundle during his absence. The tin machine, he said, was a curious construction of his own invention ; and in all that we all go along with him : It most certainly is a curious invention ; and it is only a pity that it was for such a purpose. He told him he had a wooden box, which was made with a hole in the centre, to put a candle into it ; and in that box he put tar, turpentine, and hemp. He said the cannister fitted the box so well, that when the candle was put in it, nobody could perceive any light : Then he told him, that on the sixth of December, he
went

went into the yard, and got into the Hemp-house, where there was a deal of hemp, so tight matted, that he could hardly get it apart; that he pulled his coat off to work at it; and then, after lightening the hemp, he placed the cannister over the tox with a small candle in it. Now, Gentlemen, you will recollect that Mrs. Boxell told you he was very desirous of having a candle when he went away from her house, and that she told him he might take one as he went down stairs. He said he sprinkled some turpentine about the hemp that was round it; and when he had done that, it was sometime before he found his coat; and when he found it, there was a good deal of hemp sticking about it, which he endeavoured to get off: He then went out of the Hemp-house, and got into the Rope-house, and he laid down a quart bottle of spirits of turpentine upon its side, with hemp in it instead of a cork: He said close to the hemp he laid a piece of paper, with dry gunpowder in it, and to the paper, where the powder was, one of these matches; and over the powder he laid some hemp lightly strewed, and a quart of turpentine poured all about it. Now, Gentlemen, if you believe the fact, upon this account, to be sure it is impossible to conceive that any man could take his measures more effectually for doing complete mischief. He said, that as soon as the fire of the match touched the powder, it would set it all of a blaze presently; and that by cutting these matches into pieces, it would answer to any time, so that he might make his escape. He told him, that the next day, which was the seventh, he went from Mrs. Boxell's, and took two other lodgings, one at a public house, the other at a private house; and he took particular notice, before he took the lodgings, which houses had the most wood about them; and he said he had these combustibles ready for setting those two houses on fire, on the same day that he set fire to the Rope-yard, in order that he might keep the engines engaged. He told the woman at the lodgings he took on the Common, that he was going to Petersfield, and begged her to take care of his bundle; that bundle you have an account of: After that he went into the Dock yard, in order to set fire to the Hemp-house and the Rope-house. He first, he said, went into the Hemp-house, and struck a light; but the matches were very damp, and he could not get the sulphur to take, and he wasted in the trial the whole box full of tinder, and blew at it till he almost burnt his lips: Then he went away from

from the Hemp-house, in despair of setting fire to that, and procured some better matches ; and he returned, and got into the Rope-house, and then he set fire to the match that led to the powder. This is the account he gave of the manner in which he perpetrated this crime. He said, he had bought a halfpenny worth of matches the day before of a woman ; that woman, you see, is called, in the subsequent part of the evidence, and confirms Baldwin in this circumstance too of his relation. The day he put the preparations in, he said he was so long about it, that he was locked into the Hemp-house, and could not get out ; he tried at several doors ; he went then up stairs, and pulled off his shoes, and tried whether he could get out ; finding that he could not, he came back to the same door, where hearing somebody, he holloed : being asked how he came there, he said it was curiosity : A person on the outside of the door directed him at last which way he should get out. This too is confirmed so far, that a person was locked in, but who that person was is not positively proved. He said, when he came out, he was much vexed that he could not set the Hemp-house on fire ; and also vexed because he could not go to Portsmouth Common, where he had left a parcel ; which, you will observe, he told him, and it is very material, contained, among other things, a pistol, an Ovid's Metamorphoses, a book entitled, The Art of War, and making Fire-Works, and a passport from the French King ; all of which, you see, are found in it. And in that passport, he said, was his real name, which vexed him more than any thing ; but, however, as it was in French, he did not imagine that the people at the lodging could read or understand it ; but he expressed his surprize that this bundle had not been found. He said, after setting fire to the Rope-house, he made the best of his way towards London ; and that he was so sorry he could not get the matches to light, that he had a good mind to shoot at the windows of the woman where he had them. He said, that he burnt the bills and the letter, (which you will remember he told him before he brought over from Silas Dean) on account of the behaviour of Mrs. Boxell, for he evidently suspected that she entertained some doubt of him ; and, therefore, lest the person to whom the letter was addressed, or the bills, might lead to a discovery, he prudently burnt them all. He said, soon after he left the yard, he jumped into a cart, and desired the woman to drive quick. This, you see, is positively

positively confirmed by the woman who drove the very cart. He rode in it two miles, and gave her six-pence to go quick ; that he had near four miles to go before he passed the centries, and therefore was very desirous of getting past them ; and that two minutes after he had passed them, he looked back and saw the flames, and the very elements seemed in a blaze ; he walked all the way to London ; and in the road between the last centry and Kingston, two dogs barked at him ; he shot at one of them, and believed he killed or wounded him. The next morning, being Sunday, he got to Kingston, and waited there till near dusk ; he then came in the stage to London, and waited upon the great man, the merchant, in the city ; and he told him that he had a letter and bills upon him from Silas Dean at Paris, but which he had been obliged to burn. The merchant, he said, seemed very shy of him, and said he had received no such accounts from Paris ; he answered, that he might think what he pleased, but that he was an enemy to Great Britain, and a friend to America ; and that he had set fire to the Rope-house at Portsmouth, which he would see in the papers on Monday. Baldwin said he could not get the name of the merchant from him, but the Prisoner said the merchant appointed to meet him at a Coffee-house, and the gentleman waited there accordingly for him ; they discoursed a little together, but the gentleman seemed still shy of him ; and another gentleman in the Coffee-house taking particular notice of him, he did not care to stop long. He was so angry that the gentleman would not believe him, that he got up and went to Hammer-smith, from whence he wrote to him, and said he was going to Bristol, where he would hear more of his handy works : And you will remember there is a subsequent evidence, Mason, the painter, who tells you he saw him at Bristol. He said, he arrived at Bristol a few days before Christmas ; that he got leave of a painter there to grind some charcoal upon a colour-stone of his, and that the painter took notice he was long about it. That painter, you recollect, has been called, who tells you that the Prisoner did apply to him for the purpose of grinding charcoal upon a colour-stone, and he did accordingly to grind it. Then the witness says that he gave an account of this, from day to day, to Lord Temple, and Lord George Germain ; and he mentioned that the 15th was the first day that the Prisoner disclosed any of the particulars to him. Now, Gentlemen, you see from this

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man's

man's evidence there is an exceeding clear, intelligible, and consistent history given ; but if this account, clear and consistent as it is, were unsupported by other evidence, one might perhaps entertain some doubts about it ; but where you find it confirmed in almost every material passage, where you find it not contradicted in any one circumstance, you must then, I think, feel it, when so authenticated, to be a very strong body of evidence indeed.

Edward Evans, who is one of the dragoons, says, that he was at Canterbury from October till the first of February. But you will observe, that he does not pretend to swear positively to the prisoner ; for he says the man is much altered since he saw him, though he believes him to be the same. He says it was about the end of October, or beginning of November, that he saw him there, and that too you see is contradictory to the other evidences ; as to the precise time they do not agree, as I told you before ; but, however, he agrees in this material article, which came from the prisoner's own mouth to Mr. Baldwin, that he was there at the time when he had a quarrel with him ; in fact, the witness says he had a quarrel with him, (supposing the prisoner to be the person) at Canterbury, and he then says that the prisoner had on a brown surtout coat, but he did not see what was under his coat.

The next witness is James Wilson, the comrade of the last witness, who was there at the same time, and who says that he really thinks the prisoner is the same person, though he will not positively swear to him, and that the dress was the same as he is in now ; he remembers that there was a dispute between his comrade and him, and he says he did observe something white under his coat, which glistened like tin.

John Fisher, lives at Mr. Tuck's at Canterbury, who is a tin-man : he says he thinks he has seen the prisoner, and he believes it to be about six or seven weeks before Christmas that he saw him in his master's shop ; you see they all vary a little as to the time : he says the prisoner ordered two cannisters, and he ordered them to be made of a long square shape ; and one of them being produced now to him, he believes it to be the same ; and he says he does not know why the prisoner did not take them away, but he left them at their shop : however, he says, the prisoner called once for them, but they were not then compleated. Now, gentlemen, upon this man's evidence you will naturally make this observation, that the person, be he who he may,

may, that wanted this tin box, certainly wanted more than one, why he did not bespeak them all at the same shop, cannot well be accounted for, unless it be that he thought so many at one place might lead to some suspicion. However, the fact turns out to be, that he did not stay for these two being made; they were left behind, and he only carried off that which has been found.

William Baldy is next called; and he proves the prisoner not only in the Dock-yard, but in this very building, on the seventh of December. The witness says he is a rope-maker, that he has seen the prisoner in the Dock-yard; he says he saw the prisoner in the rope-house on the lower floor, about an hundred yards from the east end of it, on Saturday the seventh of December, between eleven and twelve o'clock; which was the day of the fire. He says he saw the prisoner come down from the upper part of it. Now that too confirms the story that Baldwin has told; for the prisoner said he was first in the lower part, that he could not get out there, and then he went into the upper part; the witness mentions an immaterial passage, which I need not repeat to you, about picking up a small stone, and he had a little discourse with him: that was only asked to satisfy you that he was so long in conversation with the prisoner, that he could not make any mistake about his person, but that he was the man; he stayed five or six minutes with him, and then left him: he says he saw him about ten minutes or a quarter of an hour after this at the east end of the same floor coming down stairs; and then one William Weston being with the witness, the prisoner said to Weston, "How do you do?" holding out his hands to him; and he, thinking him to be an acquaintance of his, did not stay to hear his conversation with him, but went away. He closes his evidence with saying, that, from seeing him at these different times, he is certain he is the man.

William Weston says, that to the best of his recollection he saw the prisoner in the rope-house the day the fire was. — He had very little conversation with him at that time; but he is positive it was the same man; for he had seen him, he says, seven weeks before walking about in the Dock; he did not however see him come down stairs: these two witnesses then, as far as their evidence goes, prove him to have been in the Dock-yard, and in this very building in the Dock-yard, upon the day when the fire happened.

Edward.

Edward Carey, a shipwright, says, he was at Portsmouth the day before the fire; and that night he remembers a person being shut up in the rope-house; he heard a person making a noise in the rope-house, who said he was locked in, and desired him to let him out; the witness said he could not, and went away; so that little circumstance too, mentioned by Baldwin, your see is confirmed by this witness; he remembers a person being locked up in the rope-house, but you will observe that he does not pretend to say that person was the prisoner.

Then Ann Hopkins is called. She is the woman that drove the cart that day from Portsmouth, into which you recollect he told Baldwin that he got. She says she saw the prisoner the day that the Dock was on fire at about four or half an hour past four in the afternoon. At that time she was coming from the market; she saw him first between the Bull and Cosham; she did not see him till he came up close to her; he stopped her and asked her where she was going? She said, a little way; he said he would give her any thing to give him a lift, for he was going to Petersfield that night, and was afraid he should be belated; and entreated her to drive as fast as she could. When he came into the cart, she observed he was much out of breath; she told him she was to stop to buy a pair of pattens; she did accordingly stop at a shop; she was to pay a shilling for them; the prisoner threw down six-pence, and then he said, he wished he could get a returned chaise; and when she stopped a little before she came to her own house to give her horse some drink; he jumped out, and ran away along the London road. Now, with respect to this evidence, to be sure, any person, totally unconcerned in any guilty deed, might be anxious to get to Petersfield; might be afraid of being benighted; might wish her to drive very fast; all that might happen very naturally without any imputation upon the party; but, as I said before, you are to take this case with all its circumstances together; and every little circumstance weighs something; and if you should trace the prisoner to the very place, almost to the moment of the fire, if you trace him leaving the place immediately after, and being in this state, out of breath, eager to get off, pressing the woman to drive on, anxious to get a returned chaise, jumping out, and running forward when she stopped; laying these circumstances together, with all the others, to be sure you will be justified if you entertain some suspicions about his motive. But all this you will weigh,

weigh, together with the many various circumstances of the case.

Elizabeth Gentell says, she lives on Portsmouth Common. She saw the prisoner at her house the day before the fire; he came there and asked her for a halfpenny worth of matches. That you see, gentlemen, is another circumstance that has been proved to you, as coming from himself to Baldwin; that he bought a halfpenny worth of matches of a woman at Portsmouth. She says he asked particularly if the matches would take quick? He took a bundle and tried one or two of them, and then he took out some money, and paid her a halfpenny. She says she is sure he is the same person. Now, upon this evidence, it is for your consideration whether a man, going to buy matches, would or would not shew such an anxiety about their being particularly well made; and there is one more observation, which I would make to you, that the man who goes to buy a halfpenny worth of matches for his own use, is hardly such a man as could afford to express a desire of meeting with a post chaise to carry him to Petersfield.

The next witness is John Illenden, who is a surgeon and apothecary. He says, that as far as human possibility can go, the prisoner is the person whom he saw at Canterbury, three or four days before or after the twentieth of November; and that he is particularly clear that he is the man, because he came to his shop to buy two ounces of spirits of turpentine, and a quarter of a pound of salt-petre. Now, gentlemen, these things you will feel a man might innocently buy, at the time you are recollecting that these materials have been found upon the spot, and that they are materials necessary for combustion.

Mary Bishop says, that the prisoner was at her house at Canterbury, between Michaelmas and Christmas; so that she speaks very vaguely about the time; she cannot be positive when it was, but she remembers one circumstance (believing it to be the prisoner) that he told her he had been interrupted by, that is, that he had had a quarrel with a dragon at the White Horse, and he told her in conversation that he came from America on account of the disturbances; but he asked her a material question, and that was, whether he could get a wooden thing made, which she did not know what name to give to; but the wooden engine, that is produced, being shewn to her, she says, upon her directing him to some man, who could make it for him, that she saw something which a Mr. Overshaw's apprentice

apprentice brought for the prisoner in the afternoon of the same day, and that he put it under his coat, wishing not to have it seen. The Counsel very properly asked the woman what was become of the apprentice ? because undoubtedly they ought not to have stopped short, without calling the apprentice ; but the apprentice, she says, is dead, therefore we cannot have any clearer or fuller evidence upon this matter. Then, upon looking on this wooden machine, she say it is as near, as she can guess, like that thing she saw brought to the prisoner.

John Dalby is the person who apprehended the prisoner, and he is called to prove what he found upon him ; he says the prisoner had upon him a pistol primed and loaded with shot : he had a pistol tinder-box, which was also primed ; and he had a snuff-box full of tinder. Now, gentlemen, that is a little circumstance that is uncommon ; a man's carrying about with him a pistol tinder-box to strike a light may very well be ; but he seldom carries more tinder than that pistol tinder-box will hold ; for if ever you saw one of these, you must know there is a part of it made to hold tinder in ; but, however, over and above that, he had a snuff-box full of tinder, and he had a powder-horn with some gun-powder in it. He says, he had also two bundles of matches. You remember he was discontented with the matches which he tried, and went out of the Dock-yard and bought others.

Thomas Mason says he lives at Bristol, and is by trade a painter ; that the Prisoner called on him the day after Christmas Day, and asked him to let him grind a piece of charcoal upon his colour-stone, which he did : This is only material to shew that he was at Bristol, as Baldwin mentioned he was, and that he knew, in fact, what use the colour stone could be applied to.

Then, Gentlemen, the only remaining evidence is the contents of the bundle. The bundle has been opened, and in it is found the passport from the French King, about which he expressed so much anxiety, lest it should lead to a discovery. That passport is dated the 13th of November ; it is in the common form, to grant him free permission to go out of the kingdom, and to continue in force for one month from the date. Besides that, there was Ovid's *Metamorphoses*, and a *Treatise of the Arms and Engines of War*, and *Fire-works*, and the *Justin*, the books he mentioned to Baldwin, and the pistol, and some few

few other things. This, Gentlemen, is all the evidence in support of the prosecution.

The Prisoner has called no witnesses, but he has rested his defence chiefly upon the credit that you ought to give to the evidence of Baldwin; because, he says, that a man who was capable of drawing out this evidence from him, ought not to receive credit in a Court of Justice. Gentlemen, I have told you before, and I ought to tell you now, that, in point of law, there is no objection to this man's testimony; and from the manner in which he came by the knowledge, which he has now furnished us with, I do not see that there was any thing which can lead you to suppose that Baldwin was the first mover with him, or that he prevailed upon the Prisoner to disclose the secret; but it should seem as if it came from the Prisoner himself, though it was undoubtedly upon the idea that this man was his friend; because, if you do not suppose that, you must suppose him madder than any man that ever was born. He certainly thought him his friend, and he therefore did disclose all this to him.

Gentlemen, one has only to say farther, that if this point of honour was to be so sacred, as that a man who comes by knowledge of this sort from an offender, was not to be at liberty to disclose it, the most atrocious criminals would every day escape punishment; and therefore it is, that the wisdom of the law knows nothing of that point of honour: If the man is a legal witness, you are bound to receive his testimony; giving it, however, that weight only which you think it deserves; for it is always in the breast of the Jury to consider of the degree of credit they will give to every witness. Let him be in all lights a legal witness, you are still to be the judges of his credit: If you think that a man, because he listened to this tale so many days, and disclosed it as he heard it, to the great Officers of State, and has disclosed it now in a Court of Justice, is a man to whom belief cannot be given, in that case to be sure you will set aside his testimony: But if you see no ground to suppose that the man has spoke untruth, you cannot then reject his testimony.

Gentlemen, The trial has lasted already very long; the summing up has also been long. I have endeavoured, as I have gone on, to lay together some of the many circumstances of this case for your consideration; and I do assure the Prisoner, as well as you, that if I had found myself enabled in my conscience to have stated any thing
more

more favourable for him, I would have been the first to have done it. But I am sitting here to do equal justice between the Public and the Prisoner; and I was therefore bound to make those observations which I have done, because they strike my conscience, as being necessary and material. I thank God, however, Gentlemen, that you are to judge of these circumstances: you are to lay them all together, and draw your conclusion from them: and if you believe that there is such a train following one another, I had almost said so irresistibly, as that you cannot doubt that in the first place the fire did happen by these combustibles, and then that the Prisoner was the person who laid those combustibles there, I should suppose you can have no doubt but that he set this building on fire wilfully and maliciously. If, on the other hand, you should feel, though there are a great number of circumstances tending in some degree to the proof of the fact, that your minds are not satisfied that it comes home to the prisoner, if you are of that opinion, you ought to exercise the jurisdiction which you have, and acquit the prisoner.

I will say one thing more, and only one; you are bound by your oaths to give a true verdict; and if the circumstances of the case appear to you decidedly strong, you will of course give your verdict on that side on which they preponderate; but if you should think that they are still so doubtful, as that you cannot satisfy your minds this was the very man who did the fact, in that case, in favour of life, you ought to acquit him.

The Jury almost immediately pronounced the Prisoner
GUILTY.

The Prisoner was then asked, in the usual form, what he had to say why sentence of death should not be passed upon him, to which he replied, "I have nothing to say."

S E N T E N C E.

Mr. BARON HOTHAM.

Prisoner,

You have been indicted, tried, and convicted of a crime, which the law of this country has thought fit to make capital; and now the most painful moment that I have undergone in the course of this trial is arrived; for it is my duty to pass upon you that dreadful sentence. I shall

shall not interrupt those feelings, which I trust you have, by talking to you of the enormity of the offence which you have committed; because it is impossible for me, or any man who hears me, to add a word by way of aggravation to it: And it has this in particular about it, that it cannot have been committed from any motives of private malice, revenge, or lucre. It can have proceeded only from a general malignity of mind, which has broke out in a desire and a design not only to ruin one devoted individual, but to involve every one of this audience, nay, the whole English nation, perhaps, in immediate ruin. You cannot therefore be surprized that the law has thought fit to punish such a crime with death. You can as little be surprized, if, after you have been convicted upon the clearest evidence of this offence, I can give you no hope of pardon.* It is impossible for me to say a word in your behalf: and therefore I must entreat and conjure you, in the most solemn manner, to prepare yourself, during the few days you have to live, to meet the great God in another world, and to ask him there for that pardon which you could not receive in this; there it will be worth receiving: And atrocious as your crime has been, short as the time is that you have to live, a sincere repentance now on your part, may, and I hope in God will, procure you mercy at his hands. I say all this not to taunt or distress you in your present unhappy situation, but merely from motives of humanity and religion: For you cannot be suffered to live in this world; you must die, and that within a very few days. And therefore, before you go into eternity, for your soul's sake, do what you can, that that eternity may be an eternity of bliss instead of misery. I have only now to pronounce the painful & sentence of the law, which I am bound to do; and I accordingly adjudge and order that you be hanged by the neck until you shall be dead, and the Lord have mercy upon your soul.

Prisoner. My Lord, I am exceedingly well satisfied.

* The Prisoner said, "I do not look for it, my Lord."

† When his Lordship mentioned the word PAINFUL, the Prisoner said, "JOYFUL."

(C O P Y .) [City of Winchester].

The voluntary CONFESSION of JAMES AITKEN, commonly called JOHN the PAINTER, now a Prisoner in the County Goal of Southampton, and under Sentence of Death, for burning the Dock-yard at Portsmouth; taken this 7th Day of March, 1777.

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SAITH,

SAITH, That he was born at Edinburgh, the 28th of September, 1752; his mother now living, as he believes. Curiosity led him to Virginia, in America, at the age of twenty-one, as an adventurer to seek his fortune. Left America in March, 1775.

In October, 1775, by the name of James Boswell, enlisted a private soldier in the thirty-second regiment, at Gravesend;—marched to Chatham next day, from whence he soon deserted;—was not concerned in the fire in Temple-street, Bristol, nor privy to it.—Broke into Mr. Morgan's warehouse at Bristol alone;—no person concerned with him in that, or any other accident, that ensued in that city.—He intended to set fire to two houses in Portsmouth, in order to employ the engines, whilst the fire might spread in the Rope-yard.—Broke into Mr. Morgan's warehouse at Bristol in order to burn it, that the engines might be there employed, whilst the shipping were burning, and the quay; for which purpose he left a lighted candle burning in the said warehouse; and, because that fire did not take effect, he afterwards set fire to the warehouse in Quay-lane, by getting over the top of the door.—Mr. Dean told him, when the work was done, (meaning burning the Dock-yards at Portsmouth, Woolwich, and Bristol harbour, but not the houses) he should make his escape, and come, if possible, to him at Paris, and he should be rewarded. As a reward, his own expectations prompted him to hope that he should be preferred to a commission in the American army.

When, after setting fire to the Rope-yard, he left Portsmouth, (to wit) the next night, being Sunday,—he reached London, and went to Doctor Bencraft, No. 4, Downing-street, Westminster, to whom he had a verbal recommendation from Mr. Dean, who gave him at Paris the Doctor's name in writing, and place of abode; but the Doctor would give him no countenance, and therefore did not relate the particulars of the mischief he had done to him, but hinted to him, that he would soon see or hear by the papers of an extraordinary accident that had happened.

And he afterwards wrote such an account in a letter to him, which he left himself at the Doctor's house with a person who came to the door, which, for the sake of truth, he relates, and without intention of casting any slur on the character of an innocent man.

That he saw the Doctor the day following in the Salopian Coffee-house, and told him that he would do all the prejudice

prejudice he could to this kingdom: To which the Doctor replied, "He could not be of opinion with him in that respect, for that he got his bread in this kingdom, and therefore would not be concerned with him." And seeing that the Doctor did not approve of his conduct, he hoped he would not inform against him; to which the Doctor said, "He did not like to inform against any man." When at Paris, he was assisted by Mr. Dean with twelve six livre pieces; he asked for no more, neither did he receive from him any bank bill, draft, or note whatever.

After leaving London, (to wit) at High Wycombe, he broke into a house, and took away a few linens, consisting of caps, and handkerchiefs, but nothing of value. He then went to Oxford, from thence to Abingdon, where he attempted to break into two houses, silversmiths, or watch-makers, but without effect. From thence he went to Fairford, where he broke into a house, and took from thence a number of stockings and handkerchiefs and a metal watch, and near fifty shillings in silver and half-pence: The watch he pledged for sixteen shillings, in the name of James Hill, at a pawn-broker's, in Castle-street, Bristol. After this, without attempting any thing, but having prepared some of his ingredients, he went from Bristol to Plymouth, with intent to set fire to the Dock-yard there: Twice he reached the top of the wall, but the watchmen being near, he could hear them talk together, especially the last night, therefore he desisted. He never committed, or attempted to commit, any robbery but when he was like to be drove short of money.

After leaving Plymouth, he returned once more to Bristol, with a determined resolution then to set fire to the shipping in the harbour; and in his way to Bristol, at Taunton, he attempted to break into the house of a silversmith, or watch-maker, without effect.

He attempted the shipping a second time, but on account of the vigilance and strictness of the watch, then kept on the Quay and in the ships, his attempt proved abortive. He likewise attempted on the Saturday morning, but in vain, to get into a stable or coach-house on the Quay, in order to set fire to it; but seeing a man lying in a cart near the place, he desisted.

On the Sunday morning following, he set fire to the warehouse in Bristol, in Quay Lane, which he effected in the following manner, (to wit) he bought some coarse flax on the Quay, and some turpentine at another place,

but

but where he cannot remember ; and with those and charcoal matches and gunpowder, and striking a spark of light on tinder, to which he set a paper match, he effected his purpose. The match was made of touch paper, and as that consumed to the end, the powder being laid, and wrapt up likewise in touch paper, it of course took fire, and so he presumes it instantly mounted into a blaze. Then he left the town, but seeing no fire behind, he returned back part of the way, till at last, hearing the city was on fire, he then went on to Sudbury, and so crossing the country to Mashfield, and to Chippenham and Calne. But the first night after the fire, he slept at Sudbury ; the second night, he broke open the door of an out-house near it, where he slept, and left behind him in the morning a dark lanthorn. On the Wednesday night he went to Calne, and being near short of money, broke open Mr. Lowe's house ; which robbery, as it is known, he has no occasion to enlarge upon. He left a parcel, with a pistol and other things in the parcel, in the church porch of Calne.

At Bristol, he first broke into Mr. Morgan's warehouse, and there prepared the combustibles, for setting fire to the shipping.

He never was in the 45th regiment ; neither did he go to America in any regiment.

He never said that one Brooks, or any other prisoner in Newgate, would be hanged, as was sworn against him upon his trial ; neither doth he know any man by the name of Brooks.

His father was a blacksmith at Edinburgh, and he was apprenticed to a painter there, served his time out, and then had his indentures delivered up, which he usually carried about in his pocket, and afterwards burnt them ; which gave rise to the story of his destroying papers to the value of three hundred pounds.

Those were the things of value which he meant to express by what he had burnt.

As to any merchant in London, or any other person, except Dr. Bencraft, he had no recommendation to, or conversation with, respecting the many unhappy accidents before related,

That he stopt a post-chaise between Portsmouth and Petersfield, with a gentleman and lady in it, some considerable time before the fire, and robbed them of nine shillings and six-pence, of which he returned two shillings.

The latter end of December, 1775, he enlisted at Chard in Somerset, into the 13th regiment, with a recruiting sergeant, and a few days after deserted.

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At Titchfield, as has been publickly mentioned, he followed the trade of a painter, also at Birmingham with Mr. Robinson, at Warrington, and many other places.

That he had committed, and attempted to commit several other robberies and burglaries; but of no material account to mention.

Declares that all the acts herein mentioned of a public, as well as of a private nature, were of his own motion, and that he was not advised or instigated thereto by any person whatever, except what is before related, and that he had no accomplice.

One other circumstance strikes his present recollection, which he is desirous to mention; and which happened in the city of Norwich, at the house of Mr. Mark, where he stole two silver table spoons, and a pair of silver buckles in the spring of 1776.

JAMES AITKEN.

*Signed by James Aitken, and protested
by him to contain the truth only, in
the presence of us, this 7th day of
March, 1777,*

GEORGE DURNFORD,
N. P. SMITH,

} Two of his Ma-
jesty's Justices of
the Peace, in and
for the city of
Winchester.

J. LAWRENCE, of the Bear Inn, Devizes.

Mr. Lawrence, of Devizes, who attended the unhappy criminal at Winchester, in consequence of a letter received from him, and who was present at, and attested his above confession, received the following letter from him since by post. 'Tis in his own hand writing, dated from Winchester, immediately after receiving the sacrament, on Sunday, the 9th instant, and witnessed by George Durnford, Esq.

Dear Mr. Lawrence,

I HAVE sent you inclosed a further confession of some particulars, which, with the others, I humbly desire you will regulate into a proper stile, and publish them, for the satisfaction of the world, and the clearing of the innocent.

I humbly beg, for the compassion you have for me as a dying man, that you will write to my sorrowful mother concerning my unhappy fate; but in the softest terms possible, as her grief, I know, will be very great on hearing it.

—Dear Sir, may the peace of God abide with you always.
—Amen.

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" I James

" I James Aitken, was born in the city of Edinburgh, was brought up from the 9th to the 15th year of my age in Heriot's hospital, then was put apprentice to a painter for seven years, which time I served out ; after that I came to London, and from thence to America, as an indented servant with Captain John Robertson ; but when there, I made a verbal agreement with him, to pay him 24l. Virginia money, for my liberty, but after paying some of it to him, and a little more of it to a Mr. Graham, I left that province without paying the rest of it, and went into North Carolina, from whence I sailed to England, landing at Liverpool, May the 5th or 6th, 1775, where I have committed many enormous crimes since, many of which I have told you. Amongst others, I stoop a chaise or litter near Cambridge, and took from the man a bad shilling, I think some time about the month of August, 1776.—Some time after, I broke into a house near Warrington; viz. between that and Holmes Chapel, and took from thence handkerchiefs, and other things, and of money something less than 20 shillings, I think. After that I broke into a house in a town called Meriden, a few miles from Coventry, and theretook away a great quantity of handkerchiefs, sixpence in silver, and some halfpence ; I believe this was in the beginning of October, 1776. After that, in a few days, and a few miles from Basingstoke, I committed a rape upon a girl that was keeping of sheep, to my shame be it said.

" I likewise committed a burglary in the house of Mr. Newman, glazier, in Rumsey, and stole a few things out of it, among which were two diamonds, such as glaziers use.

" Besides these, I have committed a great number of crimes, of a more petty nature, (that may less concern the general world, both now and in my unhappy life,) but I beg forgiveness of all the world, as they would wish to be forgiven of God. And I, for my part, freely forgive all mankind, none excepted, even as I wish myself to be forgiven of God."

The following Account is furnished by Mr. Commissioner
 GAMBIER.

THE prisoner was carried from Winchester Goal on the 10th to Portsmouth, where it was appointed he should be executed at the Dock Gate ; and the following is an exact account of his behaviour from the time of his arrival to the time of execution.

Having been carried in an open cart by the Hemp-house and round the ruins of the Rope-house, when he came
 opposite

opposite the Commissioner's house, he desired to speak with the Commissioner, who thereupon went up close to him: he said,

"S I R,

"I acknowledge my crime, and hope for forgiveness from God, through the merits of my Saviour Jesus Christ.

"I ask pardon of you, Sir, and hope your forgiveness." Upon the cart's moving, he said, "he had one thing more to observe as a caution to all the Commissioners of the dock-yards throughout England: To be more vigilant and strictly careful of them for the future, because it is in the power of a determined and resolute man to do a great deal of mischief."

As the cart stopped at the end of the Rope-house, he looked attentively at the place of his perpetration, and said, "I acknowledge my crime, and am sorry for it."

Just before he returned out of the Dock-yard, upon being asked there if he had any thing more that he wished to say to the Commissioner, he said, "No, only I recommend great care and strict vigilance at the dock-yards at Chatham, Woolwich, Deptford, Portsmouth, and Plymouth; and particularly of the Rope-house at the latter."

Just before he was turned off, he said, "I acknowledge the justice of my sentence, and hope for forgiveness, as I forgive all the world; I wish success to his Majesty King George and his family, and all his loyal subjects; and I hope for forgiveness for all the transactions that I have been guilty of from the year 1772 since my apprenticeship; and that the world would be satisfied about him, as his life would be very soon in print."

The following Letter was sent to the Printer of this Account from a Gentleman at Portsmouth.

"WITH regard to John the Painter, the following you may depend on: (the London papers are defective in many respects)—When his condemnation was pronounced, he turned and laughed.—On Monday the 10th of March he was brought from Winchester in a coach drawn by six horses; he was lodged in our goal at a quarter after eleven o'clock; he was kept about a quarter of an hour there, and then put into a cart, and the Sheriff's Officers, and the Peace Officers of Portsmouth, with our Mayor, attended him to the Dock-yard, a mile from the garrison, the Mayor in a chariot. Near the Dock gates he passed by the gallows, and was drawn into the Dock-yard, and

carried round the Rope-house, that he might have a view of the remains of what he had destroyed: He said that was indeed the place, and the building he had set fire to; that he intended to burn down the other store-houses, and was sorry he had not effected it. However, he gave a very particular caution to the Commissioner; observed to that gentleman how easy it was to put such diabolical schemes in execution there, and bid him take a particular care who were admitted into the yard in future; for he knew that there were several unhappy wretches, like himself, employed in the same business, whose schemes were deeper laid, & whose capacity was superior to his.--[This, however, was friendly.]—He was then led to the place of execution, about one hundred yards from and in sight of the Dock gates. The gallows was sixty-seven feet high; an old mizen mast of the *Arathusa* Frigate, with a running tackle at the top, and kind of stage about eight feet square and four feet high round the bottom, on which he was placed.—His speech was, that he has been a very wicked sinner all his life; confessed the crime for which he was going to suffer; that he had attempted at Plymouth yard, but, by the vigilance of the people, he was disappointed; desired the public to pray for him; said he died justly. There seemed a little penitence blended with his resolution and hardiness. He died a Dissenter. He was to give the signal when they should pull him up, by dropping a piece of paper he held in his hand. After he had done speaking, it was sometime before he gave the signal: he delayed so long, that he had rolled the paper between his fingers to almost nothing, when, at last, dropping the little bit he had reduced it to, he was immediately hauled up in the irons he had on when he was brought from Winchester. He did not struggle much: the conflict was soon over. After hanging the proper time, he was immediately taken over to Block-house Point, and there hung in chains. He certainly was sensible, bold, and intrepid, and of an uncommon genius, or he could not have undertaken so difficult and so daring a business as the firing our Dock-yard, setting fire to Bristol and the shipping there, and attempting at Plymouth.”

Besides the confessions which have been given, and which have been attested by Magistrates, a further account has been published, attested by the Keeper of Winchester Goal* as made to him. By this it seems, that
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* *This account is printed for J. Wilkes, of Winchester, under the title of “The Life of James Aitken,” Price 1s.*

the father of Aitken, or John the Painter, was a whitesmith, in a creditable way, at Edinburgh, a Protestant Dissenter in religion; in which persuasion he brought up his son, and gave him a good education, placing him for six years in Herriot's Hospital, a charitable foundation of the same kind with Christ's Hospital in London.

That Aitken had received a classical education, seems highly probable from the Latin books which were found in his bundle at Portsmouth; and by carrying such books about with him, it seems as if he had imbibed a love for reading, and somewhat of a romantic turn: But being an only child, and greatly indulged by his parents, it begot in him an head-strong temper; for school education will profit little, unless the mind is at the same time brought under a due restraint, and good habits are implanted: The will must be bent to what is good, otherwise there is no likelihood of virtue taking place, and directing the actions.

Aitken had a natural taste for drawing, which was the reason he was put an apprentice to a painter, and this accounts for his serving out his apprenticeship, which, it is probable, he would not have done, had he not had a natural liking to it. During his apprenticeship his father died, without being able to make such provision for his son as he had entertained hopes of. However, he had some expectation of procuring a commission in the army; but in this he was disappointed; upon which he took shipping for London, with all the money he could raise. As soon as he came there, he got into employ in the painting way; but at the same time fell into vicious and extravagant company. This is, alas! too often the ruin of great numbers, even of those well-disposed by nature; therefore there is nothing a young man should be more cautious of than going into company. If he would do well, he should first learn to be happy alone; and then the danger of going into company will not be so great, as he will be the more able to break himself from it whenever he finds it leading him to what is prejudicial. Aitken soon found the straits he was brought into by keeping loose company. All the money he brought with him from Scotland, as well as that which he earned in London, was soon expended; and his companions then slighted him, though they had before lived much at his cost. This drove him to the resolution of taking to the highway. He accordingly, having properly provided himself, repaired one afternoon to Finchley Common, about six or seven miles

miles from London, and before his return got a considerable booty from the several carriages and single horsemen he stopt on different parts of the common.

This supply enabled him to join his old companions again, and go on for some time in extravagance and debauchery; but he found his person so exactly described in the papers, that he made every alteration in it he could possibly devise. The old proverb says, and truly for the general part, "That what is lightly got, as lightly goes;" and so it was with the booty Aitken got on Finchley Common. He was soon again reduced to the last shilling; so that highway robberies, thefts, and shop-lifting, were used by him frequently, to furnish a supply. But at length he began to reflect on the danger he was in of being detected, or betrayed, by some of his companions, and determined to take shipping for America; which he accordingly did, as has been already mentioned. While he was in America, he says he was very active in the riots at Boston, particularly in sinking the tea. From Boston he went to North Carolina, and from thence worked his passage home in a vessel bound to Liverpool, where he arrived in May, 1775. It was after he landed here he enlisted for a soldier, but soon deserted, and then broke open several shops at Meriden, and other places, as has been mentioned. At Coventry he met with an enlisting party, and enlisted, receiving half a guinea, but got away before he had been sworn, by leaving his comrades asleep. He made the best of his way towards London. Between Daventry and St. Alban's he robbed a man on horseback of seven shillings and ten-pence, and another on foot of three shillings. He continued in London almost four months, committing a number of street robberies, and on the highway in the out-skirts of London, to support his extravagance. He also broke open a house at Kensington. Fearful of staying any longer in London, he decamped for Cambridge, which he had a desire to see. He broke open a shop here, in which he got about thirty shillings. From Cambridge he made a circle round the northern part of England, and robbed as he went to support himself. At Colchester he enlisted into the thirteenth regiment, in which he remained some time, supposing the change of clothes would prevent his being apprehended for the robberies he had committed. He deserted from this regiment in August, 1776.

The account which the Goaler of Winchester has attested and published, as given to him by Aitken, of the
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first thought that entered his mind of setting fire to the Dock-yards, is as follows :—Being one night in company at Oxford, the conversation ran upon the American war, and the importance of his Majesty's fleet and Dock-yards; and it was with satisfaction I heard every one agree, that the safety, the welfare, and even the existence of this nation, depended on them. I endeavoured to keep the conversation up as much as possible; and the more it was canvassed, the more evident was the truth of the former conclusion.

It is amazing with what force this conversation kept possession of my mind. I believe it never left me afterwards. In the night I had a thousand ideas, and all tended to shew how important would be the event in favour of America, provided these Dock-yards and shipping could be destroyed. The more I considered it, the more plausible was the undertaking, and the more eager I found myself to become the instrument of it.

I spent two days in the contemplation of this malicious design, and promised myself immortal honour in the accomplishment of it. I beheld it in the light of a truly heroic enterprize, such as never would have been equalled to the end of time. I was persuaded it would entitle me to the first rank in America; and flattered myself with the ambition of becoming the admiration of the world!

With these flattering prospects I set off for Portsmouth, to inform myself of the particular situation, as also of the materials and stores with which these magazines were composed. I was well aware, that the collecting satisfactory information would be a work of time. I therefore, soon after my arrival, entered into the employ of Mr. Golding, a painter, at Titchfield, with a design to prevent suspicion of my real business. I made enquiry, as it were by accident, concerning the strictness of the guard, and the admission of strangers into the Dock-yard. I was answered fully to my satisfaction. I frequently attended the yard, acquainted myself with every part of it, and learnt the contents of near all the storehouses, and so particularly, that I formed a very accurate plan of it. I took account of all the ships of war in the harbour, their force, and number of men. I also took a plan of the fortifications unnoticed by the centinels, the number of guns mounted on them, and their weight of metal. I did not omit remarking the carelessness of the watch, and the security in which I found all orders of men in their different departments; and this observation occurred to me so strong,
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that it removed all apprehensions of difficulty in carrying my design into execution.

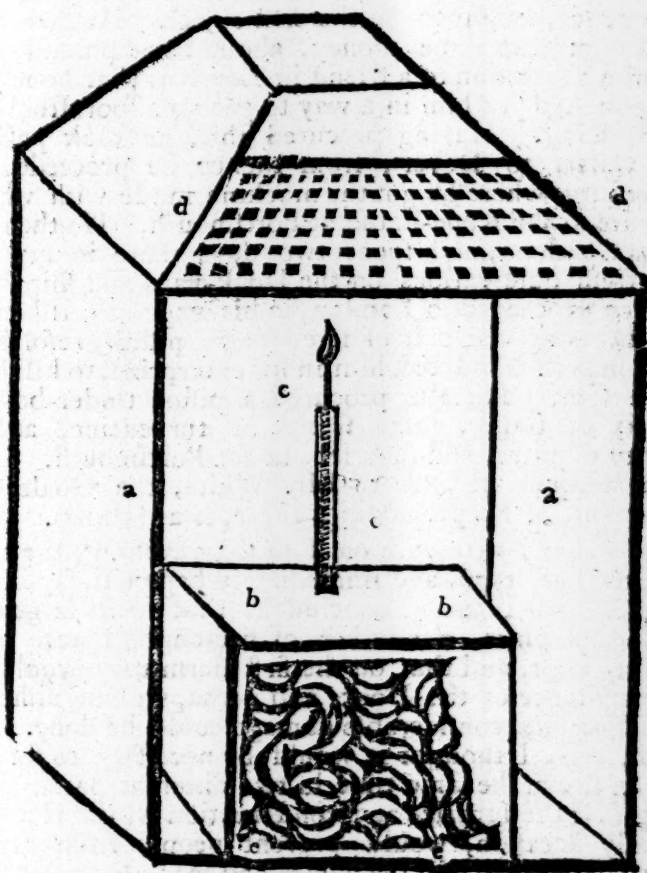
From hence I went to Plymouth, where I found things much in the same situation. I acquainted myself with every information that was necessary for my business. I paid strict attention to the fortifications, the ships of war, and the greatness of their force. I placed myself in the way of all business, learnt the particulars of every thing that was going forward, and examined the contents of every store-house, without raising the least suspicion, or being questioned by any one.

My next care was to visit Chatham, with the same circumpect attention, and in which I conducted myself with the same success. From hence I went to the yards at Woolwich and Deptford, and in both places informed myself of every thing material; for though they are much inferior to the foregoing, yet I thought them of too much consequence to escape me.

Having done this, he set out for Dover, and there hired a small sailing boat to carry him over to Calais. — From thence he made the best of his way to Paris, and there enquired after Mr. Silas Dean, and communicated to him his design of setting fire to the Dock-yards and shipping in England. — Mr. Dean told him he could not help looking upon it as an enterprize bordering upon madness, and started a number of difficulties which he supposed had escaped him. On a second meeting, Mr. Dean still told him he looked upon it as a very desperate, and, indeed, impracticable scheme; but Aitken told him it was natural for him to be of that opinion, who was unacquainted with the Dock-yards, and the method he had of communicating fire; that he had thought of a portable machine, of such dimensions as to carry in the pocket, and which, when charged with combustible matter, and lighted, was so contrived as not to emit any rays of light, and that they might be placed in any store-house or vessel without being discovered, and could, by the help of a certain composition, be kept burning many hours; so that he could get sixty or seventy miles from the place before the fire should break out.

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This machine, which was produced in Court. on the trial, was made according to the following figure :



a a Represents a tin case, made in a long square form, well soldered together, the sides nearly closing at the top where they fall towards each other in a shelving direction. *b b* A small wooden box, filled with combustible matter, and fitted so exactly to the case, as to have no visible separation. *c c* Shews a lighted candle, with its end fixed in the box of combustible matter, by means of a hole made through its top for that purpose, and through which the candle, when burnt below the surface of the box, communicates itself to the combustibles. *d d* Represents a plate of tin, fixed near the top, of the case, and punched full of very fine holes, so as to admit particles of air sufficient to keep the candle burning, without being so large as to discover the light. *e e* Shews the extremity of the wooden box, which having no bottom, is set upon any materials, such as hemp, pitch, tar, wood, &c. intended to be set on fire.

Mr. Dean

Mr. Dean expressed his approbation of the contrivance, by saying that he now believed the scheme was practicable; and that Portsmouth, as being a place of the first consequence, ought to be the first object. He then furnished him with some money, about three pounds, and gave him a direction to a friend in London, that he might call upon, and put him in a way to get a passport from the French King. Having procured this, he took passage from Calais to Dover; from thence he proceeded to Canterbury, where he got the machine made with which he set fire to the Rope-house at Portsmouth. He then set off for Chatham, and spent two days there in making some fresh observations on the Dock-yard and shipping, and then proceeded to London, in his way to Portsmouth. Here he bought a pair of screw barrel pistols, resolving, if any man should detect him in his enterprize, to kill him on the spot. He also procured a pistol tinder-box, a quantity of tinder, some spirits of turpentine, and a quantity of nitre, and then set out for Portsmouth.

The account he gave to Mr. White, the Goaler of Winchester, of his proceedings there, is as follows.

I arrived at Portsmouth on Thursday evening, the 15th of December, 1776, and immediately began to lay down a plan of operations. I concluded, that in so large and populous a place, a number of fire-engines were most probably kept, and that on the first alarm they would fly to the assistance of the Dock, and perhaps extinguish the fire, before any considerable damage could be done. To prevent this, I thought it would be necessary to set the town on fire at the same time in two different parts, imagining that the surprize and consternation which it would naturally occasion, would prevent people from giving assistance to either, 'till the flames had made such progress as not to be got under.

To effect this mischievous resolution, I determined not to go to bed that night, but to walk the town over, and by the assistance of the moon, which shone very bright, to find out such houses as were built principally of timber, and in situations likely to do the most damage. I spared no labour in this search, and was careful to determine on such houses as had no party walls to repel the flames. In the morning I applied at two of these houses for lodgings, one of which was occupied by Mrs. Boxell. I agreed with her for them, and desired to see my apartment, which she complied with. I appeared very well satisfied with it. I left my bundle with her, and said I should return in the evening. From hence I went to a public house, refreshed myself,

myself, and engaged also for a bed. My next care was to visit the Dock-yard, to wait an opportunity for placing the combustibles ; and having fixed upon such a situation as was most likely to answer my end, I returned to my lodgings for the tin case, the box of inflammable materials, spirits of turpentine, tinder-box, &c. with which I returned about two o'clock into the Dock-yard. My first intention was to set fire to the Hemp-house, in which I secreted myself behind a large mow or bundle of hemp, supposing there was no danger of being discovered, altho' a number of men were employed in different parts of the building. I found this mow of hemp so hard and consolidated, that I was afraid, when the fire came to it, that it would not burn ; and it was with great difficulty that I could loosen it. I pulled off my coat with a resolution of opening a cavity in its side, in which I intended to place the machine ; but this not being practicable, I got together a quantity of hemp that lay about ; and having made a pile against the mow, I placed the machine upon it, but first sprinkled a quantity of spirits of turpentine upon the top of the pile, and covered the whole over with some fresh hemp. In this situation I left the machine, intending to go in about two hours afterwards to set it on fire. But lest this should not take proper effect, or be extinguished before it could communicate itself to other parts of the yard, I thought it would be more effectual to set fire to some other store-house also. In walking round the yard, I observed the Rope-house open, into which I went, and having gone all over it, up stairs and down, I pitched upon a room containing a parcel of ropes, and some hemp, which I thought a very proper place to set on fire. I went away, and returned with two quarts of spirits of turpentine, some gunpowder, and some touch paper which I had previously made. I drew the cork from one of the bottles, and having prepared a train of hemp soaked in the spirits, I filled the neck of the bottle therewith, which I placed among the ropes, and covered it over with a quantity of refuse hemp, which I found laying about. I placed the bottle upon its side, and put the end of the train of hemp into a paper of dry gunpowder, and having covered the whole lightly over with hemp, I sprinkled the remaining spirits of turpentine upon the whole. I now pulled out my pistol tinder-box, and endeavoured to strike a light, in order to set it on fire ; but the tinder being either damp, or badly burnt, would not take fire. The attention with which I was endeavouring to light my match,

match, prevented me from observing the time, and therefore, when I had found it impossible to strike a light, and was preparing to go to my lodgings, I found myself locked into the house. I was a little uneasy upon this occasion, for fear of raising suspicion, particularly as I should be obliged to appear again to light the matches, which I had now failed in. I went from one end of the building to the other, which was of a prodigious length, and tried every door I could find; but all was fast. I went up stairs very gently for fear of being heard, intending to make my escape from one of the windows; but this I also found impossible. I then went back to the door at which I came in, and knocked for a considerable time. At last a lad came up, and asked who was there? I told him I was a friend, and had come into the dock-yard out of curiosity, having never been at Portsmouth before; and while I went up stairs to see this great building, some body had locked up the doors; I therefore begged he would let me out. He went away to call some other person, who directed me to a certain door in the building, at which, he said, I might let myself out. In order to allay their suspicion, I appeared to be very ignorant in every respect, and asked them a number of simple questions; for I very much expected to be taken into custody.

I went to a public house in a back street, to refresh myself, and from thence to my lodgings at Mrs. Boxell's. I went to bed, and slept till about five o'clock in the morning of Saturday the 7th of December, when I struck a light, and got up. My first business was to mix up proper combustibles to set that house on fire, and the public house I had before taken lodgings at. The preparation I had made consisted of gunpowder, rosin, turpentine, nitre, &c. which I intended to have placed under the beds, to have locked up the doors, and carried the keys away in my pocket, to prevent a discovery before the bedding had taken fire. I also made a quantity of fresh tinder out of an old shirt I had torn up for that purpose, the smoke of which, attended with the sulphurous smell occasioned by the inflammable articles, brought up Mrs. Boxell, who in a violent passion burst open the door, asked me whether I was setting the room on fire, and insisted upon my leaving her house, saying, she was sure I could have no good design. Finding her in earnest, I thought it most prudent to quit her lodgings without entering into further dispute, which could only tend to injure my business; so I took my bundle, and walked almost two hours round Portsmouth Common, to seek

seek for another lodging. Observing a house in North-street, which seemed likely to answer my purpose, I went in, and agreed for a lodging, saying I was going a little way out of town, but should return in the evening; in the meanwhile desired the woman of the house, Mrs. Cole, to take care of my bundle.

My next object was to accomplish the business in the dock yard. I went first to the hemp house, and after waiting a safe opportunity, got into the room where I had left the materials, struck a light with my pistol tinder-box, and lighted the candle which I had before placed in the tin case under the hemp. I since find that this machine did not take effect, owing, as I imagine, to its being covered over with too much hemp, which obstructed the air from entering the little holes in the top of the machine in such quantity as was necessary to keep the candle burning; otherwise this building would have been in flames at the same time with the rope-house. Having, as I thought, effectually completed my business here, I directed my steps towards the rope-house, and after waiting almost two hours, I took an opportunity of lighting the match that communicated to the gunpowder, which I believe took effect in about an hour and an half. The instant I had finished, I quitted the dock yard, intending to go immediately to set fire to both my lodgings; but meeting a person near the dock gates, who knew me when I worked at Titchfield, during the time I was making my observations, and seeing him look at me very stedfastly, and recollecting at the same instant the affair at Mrs. Boxell's, I ran very precipitately out of town, without giving myself time to call for my bundle, dreading an information, and the consequence of being taken into custody.

Aitken proceeded with the greatest speed he could towards London, as upon looking back when he was got some distance from Portsmouth, he saw the dock in a blaze. When he got to London he informed one Dr. Bencraft of what he had done, as has been already mentioned. He the next day set out for Oxford, intending to proceed that way for Portsmouth, taking Bristol in his way. At Hungerford, in his way, being destitute of money, he worked for about ten days with Mr. Smith, a painter there. During which, having learnt where he kept his money, he stole four guineas, and then made off for Bristol. This Mr. Smith, after Aitken was apprehended, suspecting he was the same person who had worked for him, when he heard of his being at Winchester for trial, went thither, just time enough to

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see him brought back to prison after his condemnation; Mr. Smith stepped from the crowd, and touching the prisoner on the shoulder, asked him if he knew him? He seemed surprised, and said, he knew him well, and begged him to come into the prison with him, where he asked his pardon for robbing him, and hoped that God and he would forgive him. He seemed not at all affected with his fate, or with the guilt of the fact for which he was condemned; but he complained of unfair treatment in having treacherous fellows sent to visit him, to sift him before his trial; and said, they could not have convicted him had not such *inquisitorial* proceedings been made use of. He was so calm in his mind, that he recollected owing a young man six-pence at Hungerford, which he requested Mr. Smith to take and pay for him; and seemed exceedingly happy in being seen and forgiven by his old master.

John the Painter, finding as he travelled on to Bristol, no pursuit made after him from Hungerford, for the robbery he had committed there, stopped two days in Bristol to acquaint himself with the shipping, going on board several of them. From thence he set out for Portsmouth. At Exeter he prepared a quantity of combustibles for setting fire to Plymouth Dock. He never lodged twice in the same house there, but removed from one end of the town to the other, to prevent being remembered. He left Exeter the 26th of December, and arrived at Plymouth the 27th. The account he gave of his proceedings there, to Mr. White, the keeper of Winchester goal, was as follows:—I left my bundle at a house in the outskirts of the town, where I had taken lodgings, and went with a design to visit the dock-yard; but to my great surprise found the guard stricter, and the admission of strangers objected to; occasioned, as I was informed, by the burning of Portsmouth dock, which was supposed to have been purposely set on fire.

I now thought myself in a worse situation than ever. I had observed by the papers, that the damage at Portsmouth had not answered my expectation, owing to the machine in the hemp-house not taking effect; and to be disappointed here, would destroy my plan, as I intended, after succeeding at Plymouth, to have gone immediately to Paris, to consult Mr. Deane, particularly as Dr. Bencraft had declined giving me his assistance, or having any thing to do with it. I consulted a number of schemes to effect my purpose; but all were impracticable. I walked several times round the walls, which are every where so high, that I could

I could see no possibility of getting over. I knew perfectly well the very spot where the magazines of pitch, tar, and hemp were situated, and intended, could I scale the walls, to set them on fire. I tried again for admittance into the yard, but could not succeed. I at last thought of a rope ladder, having taken much notice of them at sea. I went into a shop, purchased a quantity of ropes, and carried them to my lodgings, which I still continued to change most nights, sometimes sleeping at Plymouth, and sometimes at Plymouth Dock.

I went to work upon the ropes, and in less than a day compleated a very good ladder. My next care was to invent a fastening to hang it on the wall. I applied to a smith, and directed him to make me two hooks very large and strong, each forming an angle, with one side much longer than the other. Having procured these, I fastened one to each side of the top of the ladder, by means of a hole made at the extremity of the stem of the hooks to receive the cord. About one o'clock in the morning of the 29th of December, I made trial of my ladder, which after throwing upon the wall, four or five times, took effect beyond expectation. I mounted the wall in an obscure lane, and on looking over I found the coast clear. I turned my ladder, and let myself down into the dock-yard, intending to set it on fire in three different places; but when I had gone within about fifty yards of the hemp-house, I heard some of the centinels in conversation, and not being able to distinguish their words, and imagining I should be seen, I returned, and declined making any further attempt till the next night.

I now flattered myself with the hope of succeeding; and made every necessary preparation for it. I discharged my lodging, and carried my bundle a little way out of town and hid it, intending to set off the instant I had completed the business. I returned into the town, and soon after midnight fixed my ladder, and mounted upon the wall. It was not moon-light, nor so dark but there was a possibility of seeing objects at a little distance. I turned my ladder while I sat upon the wall, but in attempting to go down, the hold gave way, and let me down with some bricks from the top of the wall. I was a little frightened at this misfortune, particularly as I observed a centinel at some little distance, walking backwards and forwards at his stand; who, I dare say, had he heard the noise of the fall, and seen me, would have shot me. I therefore walked a little further down, and having fixed my ladder, went back again,

thinking I was too much disconcerted at what had happened, to do the business properly that night.

Very much vexed at this disappointment, I walked the streets the remainder of the night, which was exceedingly cold. I had some thoughts of returning immediately to Bristol, with an intent to set fire to the shipping, wherein I saw no difficulty; but the idea of giving up Plymouth was so vexatious, that I determined to make a fresh trial the next night, and to carry my point, though at the hazard of my life. When day-light appeared, I went to a little ale-house for refreshment, said I had travelled all night, and desired leave to lay down. I slept most part of the day, being very much fatigued, and in the evening I walked once more round the walls, to fix upon a fresh place for an attempt. Between one and two o'clock in the morning, I proceeded with my ladder to another part of the yard, near the magazine of pitch and tar, intending to set that on fire first. I accordingly provided myself with a machine well charged, plenty of fresh tinder, a pistol tinder-box, spirits of turpentine, and other combustibles, together with a pistol loaded with slugs; and I set out with a great resolution of effecting my design that night. Having fixed my ladder, which generally took me about a quarter of an hour, sometimes more, sometimes less, as it depended upon chance, I mounted the wall, and let myself down into the yard, without any noise or difficulty, and proceeded very gently towards the magazine of pitch and tar, which was my first object. I passed several centinels at a little distance; but when I came nearer to the store-house, I saw two centinels walking backwards and forwards by the side of it, so that I could not effect my purpose there. I then went towards the hemp-house, intending to fire that; but here again I was prevented by the vigilance of the watch. I directed my steps very slowly another way, but before I had got a hundred yards, I thought I heard several voices in earnest conversation, upon which, supposing I was discovered, I ran back again as fast as I could upon my toes, and having gained the ladder, I returned over the wall with all possible haste, and set off immediately for Exeter, expecting to be pursued.

Aitken, when he came to Exeter, supplied himself with combustibles of different kinds, intending from thence to proceed to Bristol, and destroy there not only the shipping, but as much of the city as he possibly could. He arrived there on Monday the 13th of January last.—The account he gave to Mr. White of his proceedings there is as follows:

—I spent

—I spent the whole of Tuesday the 15th of January, in acquainting myself with the shipping, upon which I intended to make the first attempt, supposing if I had any success, they would communicate the flames to the whole town. At night I paraded the town all over, the better to acquaint myself with the different streets, and to find out where I could do the most mischief. The next day, being the 15th, I went to bed, intending to be up all the ensuing night to effect my design, having first prepared all things in readiness for the purpose.

About midnight, I proceeded with all my materials towards the quay. I got on board the Savannah la Mar, a Jamaica-man, and placed a quantity of turpentine, rosin, pitch, &c. round the mizen mast, to which I set fire. I then went on board the La Fame, another Jamaica-man, which lay at a little distance, in which I also placed a quantity of combustible matter, and set fire to it. I then proceeded to another part of the quay, and got on board the Hibernia, an Irish trader, in which I placed a like quantity of inflammable materials, and a quart bottle of spirits of turpentine, to which I also set fire. I then broke open a warehouse belonging to a druggist, in Cypher-lane, supposing there were large quantities of oils and spirits of different kinds, which would occasion a dreadful fire in that part of the town. I set fire to a box in the middle of the warehouse, which I supposed would soon communicate to all parts of it.

Having, as I thought, effected my business very complete, I walked almost four miles out of town, and stayed till near eight o'clock in the morning; but not perceiving any thing of the fire, I returned to see whether it had taken effect, which I could do without suspicion, as I supposed people would see that I had just come into town. I went to the quay, where I observed one vessel, the Savannah la Mar, was much burnt; but the fire in the other two had gone out without taking effect. I also found I had miscarried in Cypher-lane, where the box of combustible matter burnt out, without doing any damage, which I thought very extraordinary, as I made sure of burning all that part of the town by this means. I was mostly vexed at the miscarriage among the shipping, as I found a strict watch was to be kept up in future, which rendered all further attempts upon them impracticable; I thought of one scheme, however, which I had some hopes of succeeding in. Observing a vast number of barrels of oil upon the quay, situated very near a line of ships, I contrived, the ensuing night,

night, to convey a large quantity of combustible materials among them, to which I set fire, hoping by this means to burn all the ships that lay near: but herein also I found myself disappointed; my matches went out without effecting the intended mischief.

I retired to a fresh lodging, to prepare a more copious undertaking, which I determined to put in execution the approaching night. I thought any further attempts upon the ships or quay would be dangerous, and therefore concluded that the only effectual method I could take to accomplish my business, would be to set the whole town on fire, by placing combustibles in a number of places at once, in all of which I was pretty sure of not miscarrying.

About two o'clock in the morning I proceeded to this business, having the evening before fixed upon a number of warehouses, which I supposed, as it was now Sunday morning, would not be frequented, and therefore little danger of the fire being discovered till it had taken proper effect. I laid matches in upwards of a dozen warehouses, which I supposed would take fire before day-light, and from their number and situation be impossible to be got under, so that I promised myself I had accomplished the destruction of the whole town, or at least that part of it which was of most consequence. With this persuasion I left Bristol about six o'clock in the morning, and walked about three miles out of town, when turning round, I thought the whole element was in flames, so dreadful was the appearance it had at that distance, which tempted me to return to be an eye-witness of the destruction I had wrought. On my nearer approach, the flames seemed to abate; but I found the whole city in consternation and terror; though my scheme had not answered my full intention. My matches had only taken effect in Quay-lane, among the warehouses of Mr. Browne, bookseller, which occasioned a dreadful fire in that part of the town: in every other part I found my endeavours had failed. To compensate for this, I determined to make a fresh attempt on the Sunday night, and made every preparation for that purpose. Between one and two o'clock on Monday morning, I set about this business, but was prevented by the vigilance of the watch raised by the inhabitants of the city, to patrol the streets, which obliged me to decline attempting any thing further that night. I made several fresh attempts the Monday and Tuesday nights following, but the patrol was too vigilant.

Aitken, after this, intended to have gone over to France; but in his way to London he broke open Mr. Lowe's shop at Calne, in Wiltshire. But a pursuit was made, and he was found at Odiham, where he had been laid hold of, as answering the description given in the papers of the person who was supposed to have set fire to Portsmouth Dock. However, he was committed to goal only on suspicion of breaking open Mr. Lowe's shop. And after being examined in London, it was determined on sending him to Salisbury to take his trial for that offence, till he was decoyed (as he himself expressed it) into the trap set for him by Mr. Baldwin, to whom he disclosed the whole of his proceeding in regard to setting fire to the Dock-yard at Portsmouth. However, before his execution, he declared he forgave Mr. Baldwin.